

MALABAR SPRINGS

**COMMUNITY DEVELOPMENT
DISTRICT**

February 21, 2023

BOARD OF SUPERVISORS

PUBLIC HEARINGS AND

REGULAR MEETING

AGENDA

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

AGENDA

LETTER

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

February 14, 2023

Board of Supervisors
Malabar Springs Community Development District

Dear Board Members:

The Board of Supervisors of the Malabar Springs Community Development District will hold Multiple Public Hearings and a Regular Meeting on February 21, 2023 at 9:30 a.m., at B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Administration of Oath of Office to Supervisors, Jon Seifel [SEAT 4] and Candice Smith [SEAT 5] *(the following will be provided in a separate package)*
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Chapter 190, Florida Statutes
 - D. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - E. Form 8B: Memorandum of Voting Conflict
4. Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date

ATTENDEES:

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

- A. Affidavit/Proof of Publication
 - B. Consideration of Resolution 2023-27, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Malabar Springs Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date
5. Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements
 - *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*
 - *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*
 - A. Affidavit/Proof of Publication
 - B. Mailed Notice to Property Owner(s)
 - C. Engineer's Report *(for informational purposes)*
 - D. Master Special Assessment Methodology Report *(for informational purposes)*
 - E. Consideration of Resolution 2023-28, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer's Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date
6. Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes
 - A. Affidavits of Publication
 - B. Consideration of Resolution 2023-29, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date
7. Public Hearing on Adoption of Fiscal Year 2022/2023 Budget
 - A. Affidavit of Publication

- B. Consideration of Resolution 2023-30, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date
8. Consideration/Ratification of Engagement with Jere Earlywine at Kutak Rock LLP
9. Consideration of Resolution 2023-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date
10. Approval of Minutes
- A. December 15, 2022 Landowners' Meeting
- B. December 15, 2022 Organizational Meeting
11. Staff Reports
- A. District Counsel: *Kutak Rock LLP*
- B. District Engineer (Interim): *B.S.E. Consultants*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
- NEXT MEETING DATE: TBD
 - QUORUM CHECK
- | | | | | |
|--------|----------------|------------------------------------|--------------------------------|-----------------------------|
| SEAT 1 | MICHAEL CAPUTO | ☐ IN PERSON | ☐ PHONE | ☐ NO |
| SEAT 2 | TIM SMITH | ☐ IN PERSON | ☐ PHONE | ☐ NO |
| SEAT 3 | JUSTIN FRYE | ☐ IN PERSON | ☐ PHONE | ☐ NO |
| SEAT 4 | JON SEIFEL | ☐ IN PERSON | ☐ PHONE | ☐ NO |
| SEAT 5 | CANDICE SMITH | ☐ IN PERSON | ☐ PHONE | ☐ NO |
12. Board Members' Comments/Requests
13. Public Comments
14. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 346-5294 or Andrew Kantarzhi at (415) 516-2161.

Sincerely,

Cindy Cerbone
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE
CALL-IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 867 327 4756

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

4A



MALABAR SPRINGS COMMUNITY DEVELOPMENT
DISTRICT
2300 GLADES ROAD, SUITE 410W

BOCA RATON, FL, 33431

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) dated or by publication on the newspaper's website, if authorized, on :

01/24/2023, 01/31/2023, 02/07/2023, 02/14/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of February 2023, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

10-25-26

My commission expires
Publication Cost: \$1,122.08
Ad No: 0005566931
Customer No: 5615710010E
This is not an invoice

of Affidavits: 1

Ad#5566931 1/24, 1/31, 2/7, 2/14/2023
MALABAR SPRINGS COMMUNITY
DEVELOPMENT DISTRICT

**NOTICE OF THE DISTRICT'S INTENT TO
USE THE UNIFORM METHOD
OF COLLECTION OF NON-AD VALOREM
SPECIAL ASSESSMENTS**

Notice is hereby given that the Malabar Springs Community Development District ("District") intends to use the uniform method of collecting non-ad valorem special assessments to be levied by the District pursuant to Section 197.3632, Florida Statutes. The Board of Supervisors of the District will conduct a public hearing on February 21, 2023 at 9:30 a.m., at the office of B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901.

The purpose of the public hearing is to consider the adoption of a resolution authorizing the District to use the uniform method of collecting non-ad valorem special assessments ("Uniform Method") to be levied by the District on properties located on land included within the District.

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

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

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

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

District Manager

RYAN SPELLER
Notary Public
State of Wisconsin

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

4B

RESOLUTION 2023-27

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

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

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

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the District has caused notice of a public hearing to be advertised weekly in a newspaper of general circulation within Brevard County, Florida, for four (4) consecutive weeks prior to such hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT:

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

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

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

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

PASSED AND ADOPTED this 21st day of February, 2023

ATTEST:

**MALABAR SPRINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Legal Description

DESCRIPTION FOR CDD:

PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

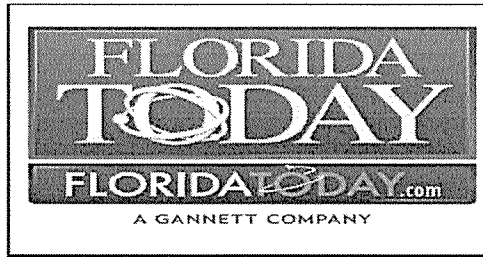
COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5098.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

5A

A Daily Publication By:



MALABAR SPRINGS COMM DEV DIST
2300 GLADES RD #410W
BOCA RATON, FL 33431
ATTN DAPHNE GILLYARD

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in FLORIDA TODAY in the issue(s) of

1/27/2023, 2/3/2023

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 3RD DAY OF FEBRUARY 2023 by legal clerk who is personally known to me

Affiant



Notary State of Wisconsin County of Brown

1-7-25

My commission expires

PUBLICATION COST: \$5,171.60
AD NO: GCI1008886
CUSTOMER NO: 000001640
PO#: PUBLIC NOTICE

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARINGS TO CONSIDER THE IMPOSITION OF SPECIAL ASSESSMENTS PURSUANT TO SECTIONS 170.07 AND 197.3632, FLORIDA STATUTES, BY THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF SPECIAL MEETING OF THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT
In accordance with Chapter 190, Florida Statutes, the Malabar Springs Community Development District ("District") Board of Supervisors ("Board") hereby provides notice of the following public hearings and public meeting:

NOTICE OF PUBLIC HEARINGS	
DATE:	February 21, 2023
TIME:	9:30 a.m.
LOCATION:	B.S.E. Consultants, Inc. 312 South Harbor City Boulevard, Suite 4 Melbourne, Florida 32901

The purpose of the public hearings announced above is to consider the imposition of special assessments ("Debt Assessments"), and adoption of assessment rolls to secure proposed bonds, on benefited lands within the District, and, to provide for the levy, collection and enforcement of the Debt Assessments. The proposed bonds secured by the Debt Assessments are intended to finance certain public infrastructure improvements, including, but not limited to, stormwater management, water and sewer utilities, landscape, irrigation, lighting, and other infrastructure improvements (together, "Project"), benefiting all developable lands within the District. The Project is described in more detail in the Engineering Report, dated December 2022 ("Engineering Report"). The Debt Assessments are proposed to be levied as one or more assessment liens and allocated to all developable lands within the District, as set forth in the Master Special Assessment Methodology Report, dated December 14, 2022 ("Assessment Report").

At the conclusion of the public hearings, the Board will, by resolution, levy and impose assessments as finally approved by the Board. A special meeting of the District will also be held where the Board may consider any other business that may properly come before it.

The District currently encompasses approximately 283.37 acres of land. The District is entirely within the boundaries of the City of Palm Bay, Florida and is located on the north side of Malabar Road, west of St. Johns Heritage Parkway (SHRP), immediately west of Heritage high school and between the Melbourne-Tinian Water Control District (MTWCD) C-5 and C-6 Canals. A geographic depiction of the District is shown below. All lands within the District are expected to be improved in accordance with the reports identified above.

A description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the "District Office" located at c/o Wathel, Hunt and Associates, LLC, 2330 Glades Road, Suite 410W, Boca Raton, Florida 33431 (877)276-0883. Also, a copy of the appendices and other documents referenced herein may be obtained from the District Office.

Proposed Debt Assessments
The proposed Debt Assessments are in an amount not to exceed **\$59,370,000** (principal only, not including interest or collection costs or early payment discounts), and are as follows:

Product Type	# Units	ERUs	Total Debt Assessment Per Unit	Annual Debt Assessment Per Unit
Townhome	120	0.6	\$48,047.05	\$4,351.32
Villa	100	0.6	\$46,047.05	\$4,351.32
Single Family 40' Lot	212	1.0	\$61,398.07	\$5,601.76
Single Family 50' Lot	322	1.0	\$76,745.09	\$7,252.20
Single Family 60' Lot	119	1.2	\$82,094.11	\$8,702.64

NOTE: THE DEBT ASSESSMENT AMOUNTS SHOWN ABOVE ARE SUBJECT TO CHANGE AT THE PUBLIC HEARING.
The assessments shall be paid in not more than thirty (30) annual installments subsequent to the issuance of debt to finance the improvements. These annual assessments will be collected on the County tax roll by the Tax Collector. Alternatively, the District may choose to directly collect and enforce these assessments.

The public hearings and meeting are open to the public and will be conducted in accordance with Florida law. The public hearings and meeting may be continued to a date, time, and place to be specified on the record. There may be occasions when staff or board members may participate by speaker telephone. Any person requiring special accommodations because of a disability or physical impairment should contact the District 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 1-800-955-8770 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

Please note that all affected property owners have the right to appear and comment at the public hearings and meeting and may also file written objections with the District Office within twenty (20) days of issuance of this notice. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or 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.

District Manager

RESOLUTION 2023-25
DISTRICT DECLARING SPECIAL ASSESSMENTS; DESIGNATING THE NATURE AND LOCATION OF THE PROPOSED IMPROVEMENTS; DECLARING THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS, THE PORTION TO BE PAID BY ASSESSMENTS, AND THE MANNER AND TIMING IN WHICH THE ASSESSMENTS ARE TO BE PAID; DESIGNATING THE LANDS UPON WHICH THE ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAT AND A PRELIMINARY ASSESSMENT ROLL; ADDRESSING THE SETTING OF PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; AND ADDRESSING CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Malabar Springs Community Development District ("District") is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, Florida Statutes; and

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

WHEREAS, the District hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain the portion of the infrastructure improvements comprising the District's overall capital improvement plan as described in the Engineering Report, dated December 2022 ("Project"), which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, it is in the best interest of the District to pay for all or a portion of the cost of the Project by the levy of special assessments ("Assessments") using the methodology set forth in that Master Special Assessment Methodology Report, dated December 14, 2022, which is attached hereto as Exhibit B, incorporated herein by reference, and to file with the District Manager at c/o Wathel, Hunt & Associates, LLC, 2330 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("District Records Office").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT:

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

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

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

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

A. The total estimated cost of the Project is **\$59,370,000** ("Estimated Cost").

B. The Assessments will defray approximately **\$59,370,000**, which is the anticipated maximum par value of any bonds and which includes all or a portion of the Estimated Cost, as well as other financing-related costs, as set forth in Exhibit B, and which shall include interest and collection costs. On an annual basis, the Assessments will defray no more than **\$2,727,564.72** per year, again as set forth in Exhibit B.

C. The manner in which the Assessments shall be apportioned and paid is set forth in Exhibit B, as may be modified by supplemental assessment resolutions. The Assessments will constitute a "master" lien, which may be imposed without further public hearing in one or more separate liens each securing a series of bonds, and each as determined by supplemental assessment resolutions. With respect to each lien securing a series of bonds, the special assessments shall be paid in not more than thirty (30) yearly installments. The special assessments may be payable at the same time and in the same manner as are ad-valorem taxes and collected pursuant to Chapter 197, Florida Statutes, provided, however, that in the event the uniform non-ad-valorem assessment method of collecting the Assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law, including but not limited to by direct bill. The decision to collect special assessments by any particular method - e.g., on the tax roll or by direct bill - does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

5. **DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED.** The Assessments securing the Project shall be levied on the lands within the District, as described in Exhibit B, and as further designated by the assessment plat hereinafter provided for.

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

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

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

NOTICE OF PUBLIC HEARINGS	
DATE:	February 21, 2023
TIME:	9:30 a.m.
LOCATION:	B.S.E. Consultants, Inc. 312 South Harbor City Boulevard, Suite 4 Melbourne, Florida 32901

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

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

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

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

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

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

PASSED AND ADOPTED this 15th day of December, 2022.

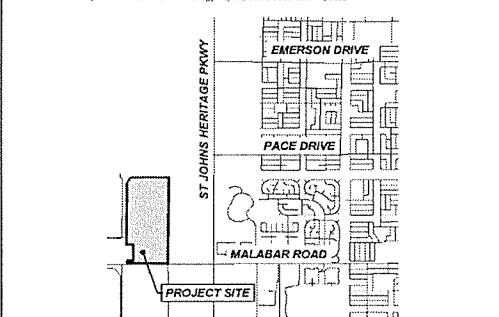
ATTEST: **MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT**

/s/ Cindy Corbione, Secretary/Assistant Secretary

/s/ Michael Caputo, Chair/Vice Chair, Board of Supervisors

Exhibit A: Engineering Report, dated December 2022

Exhibit B: Master Special Assessment Methodology Report, dated December 14, 2022



MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

5B

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF MAILING

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

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein. I have personal knowledge of the matters stated herein.
2. I, Jonah Reuther, am employed by Wrathell, Hunt and Associates, LLC, and, in the course of that employment, serve as Assessment Roll Coordinator for the Malabar Springs Community Development District.
3. Among other things, my duties include preparing and transmitting correspondence relating to the Malabar Springs Community Development District.
4. I do hereby certify that on January 20, 2023 and in the regular course of business, I caused the letter, in the form attached hereto as Exhibit A, to be sent notifying affected landowners in the Malabar Springs Community Development District of their rights under Chapters 170, 190 and 197, *Florida Statutes*, with respect to the District's anticipated imposition of assessments.
5. I have personal knowledge of having sent the letters to the addressees, and those records are kept in the course of the regular business activity for my office.

FURTHER AFFIANT SAYETH NOT.

J. Reuther
Jonah Reuther

SWORN TO (OR AFFIRMED) AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 20th day of January, 2023, by Jonah Reuther, for Wrathell, Hunt and Associates, LLC, who is [☒] personally known to me or [☐] has provided _____ as identification, and who did ___ / did not ☒ take an oath.

NOTARY PUBLIC



DAPHNE GILLYARD
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG327647
Expires 8/20/2023

Daphne Gillyard
Print Name: Daphne Gillyard
Notary Public, State of Florida
Commission No.: GG327647
My Commission Expires: 8/20/2023

EXHIBIT A: Mailed Notice

EXHIBIT A

COPIES OF THE
NOTES OF THE
COMMISSIONERS OF
THE LAND OFFICE
IN THE
LAND OFFICE

7022 0410 0002 0788 1017

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate):

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postmark
Here

Postage

\$

Total Post

\$

Sent To

Street and

City, State

CRE-KL MALABAR OWNER LLC
105 NE 1ST ST
DELRAY BEACH FL 33444

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

See Reverse for Instructions

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

January 20, 2022

Via First Class U.S. Mail

CRE-KL MALABAR OWNER LLC
105 NE 1ST ST
DELRAY BEACH FL 33444

RE: *Malabar Springs Community Development District (“District”)*
Notice of Hearings on Debt Assessments

Dear Property Owner:

In accordance with Chapters 170, 190 and 197, *Florida Statutes*, the District’s Board of Supervisors (“**Board**”) hereby provides notice of the following public hearings, and public meeting:

NOTICE OF PUBLIC HEARINGS

DATE:	February 21, 2023
TIME:	9:30 a.m.
LOCATION:	B.S.E. Consultants, Inc. 312 South Harbor City Boulevard, Suite 4 Melbourne, Florida 32901

The purpose of the public hearings announced above is to consider the imposition of special assessments (“**Debt Assessments**”), and adoption of assessment rolls to secure proposed bonds, on benefited lands within the District, and, to provide for the levy, collection and enforcement of the Debt Assessments. The proposed bonds secured by the Debt Assessments are intended to finance certain public infrastructure improvements, including, but not limited to, multi-family tract infrastructure improvements, amenity infrastructure improvements & facility, hardscape/ landscape/ irrigation (all phases of Development), and environmental conservation/ mitigation, and other infrastructure improvements (together, “**Project**”), benefitting all developable lands within the District. The Project is described in more detail in the *Engineering Report*, dated December 2022 (“**Engineer’s Report**”). The Debt Assessments are proposed to be levied as one or more assessment liens and allocated to all developable lands within the District, as set forth in the *Master Special Assessment Methodology Report*, dated December 14, 2022 (“**Assessment Report**”).

The proposed Debt Assessments are in an amount not-to-exceed **\$59,370,000** (principal only, not including interest or collection costs or early payment discounts), and are as follows:

Product Type	# Units	ERUs	Total Debt Assessment per Unit	Annual Debt Assessment Per Unit
Townhome	126	0.6	\$46,047.05	\$4,351.32
Villa	106	0.6	\$46,047.05	\$4,351.32
Single Family 40' Lot	212	0.8	\$61,396.07	\$5,801.76
Single Family 50' Lot	322	1.0	\$76,745.09	\$7,252.20
Single Family 60' Lot	119	1.2	\$92,094.11	\$8,702.64

The assessments shall be paid in not more than thirty (30) annual installments subsequent to the issuance of debt to finance the improvements. **NOTE: THE DEBT ASSESSMENT AMOUNTS SHOWN ABOVE ARE SUBJECT TO CHANGE AT THE PUBLIC HEARING.**

At the conclusion of the public hearings, the Board will, by resolution, levy and impose the Debt Assessments as finally approved by the Board. A special meeting of the District will also be held where the Board may consider any other business that may properly come before it.

The Debt Assessments constitute a lien against benefitted property located within the District just as do each year's property taxes. For the Debt Assessments, the District may elect to have the County Tax Collector collect the assessments, or alternatively may collect the assessments by sending out an annual bill. For delinquent assessments that were initially directly billed by the District, the District may initiate a foreclosure action or may place the delinquent assessments on the next year's county tax bill. IT IS IMPORTANT TO PAY YOUR ASSESSMENT BECAUSE FAILURE TO PAY WILL CAUSE A TAX CERTIFICATE TO BE ISSUED AGAINST THE PROPERTY WHICH MAY RESULT IN LOSS OF TITLE, OR FOR DIRECT BILLED ASSESSMENTS, MAY RESULT IN A FORECLOSURE ACTION, WHICH ALSO MAY RESULT IN A LOSS OF TITLE. The District's decision to collect assessments on the tax roll or by direct billing does not preclude the District from later electing to collect those or other assessments in a different manner at a future time.

The District currently encompasses approximately 283.37 acres of land. The District is entirely within the boundaries of the City of Palm Bay, Florida and is located on the north side of Malabar Road, west of St. Johns Heritage Parkway (SJHP), immediately west of Heritage high school and between the Melbourne-Tillman Water Control District (MTWCD) C-5 and C-6 Canals.

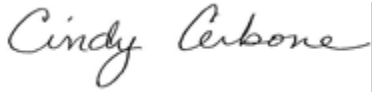
All lands within the District are expected to be improved in accordance with the reports identified above. A geographic description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the "**District's Office**" located at c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (877)276-0889. Also, a copy of the agendas and other documents referenced herein may be obtained from the District Office.

The public hearings and meeting are open to the public and will be conducted in accordance with Florida law. The public hearings and meeting may be continued to a date, time, and place to be specified on the record. There may be occasions when staff or board members may participate by speaker telephone. Any person requiring special accommodations because of a disability or physical impairment should contact the District 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 Office.

Please note that all affected property owners have the right to appear and comment at the public hearings and meeting and may also file written objections with the District Office within twenty (20) days of issuance of this notice. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or 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.

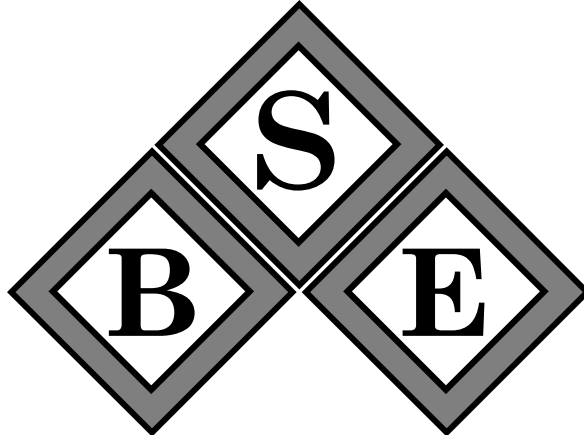
If you have any questions, please do not hesitate to contact the District Office.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Cerbone". The signature is written in dark ink and is positioned above a thin horizontal line.

Cindy Cerbone
District Manager

ATTACHMENTS: Engineer's Report and Assessment Report (with Legal Descriptions of Lands)



MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT

ENGINEERING REPORT

SUBMITTED TO:

Malabar Springs Community Development District
c/o
Wrathell Hunt & Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

PREPARED BY:

B.S.E. Consultants, Inc.
312 South Harbor City Boulevard, Suite 4
Melbourne, FL 32901

December 2022
B.S.E. File #11604.100

**MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT
ENGINEERING REPORT
Table of Contents**

REPORT

Executive Summary.....	Page 1
District Location and Limits	Page 3
Proposed District Facilities	Page 3
Permitting.....	Page 7
Estimated Project Costs	Page 8
Proposed Timetable for Construction of District Services	Page 9
Conclusions and Recommendations	Page 9

APPENDICIES

Legal Sketch and Description.....	Appendix A
Overall Project and Phasing Exhibit.....	Appendix B
Malabar Road Improvements Exhibit.....	Appendix C
Mass Grading and Phase 1 Infrastructure Exhibits	Appendix D
Phases 2, 3 and Multi-Family Infrastructure Exhibits	Appendix E
Cost Estimates	Appendix F
Proposed Timetable for Construction of District Services	Appendix G

EXECUTIVE SUMMARY

The Malabar Springs Community Development District (the District) is pursuant to Chapter 190 Florida Statutes authorized to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain certain systems, facilities and basic infrastructure benefiting lands within the District. In accordance with this authority, the District has identified facilities, systems and basic infrastructure authorized by Chapter 190 required to provide service based on the anticipated land uses in the District. The District has requested an Engineering Report be prepared by the District Engineer to identify certain required facilities, service locations, and projected costs associated with those improvements.

The District's "Capital Improvement Plan" (or "CIP" a/k/a "Project") consists of both on and offsite public infrastructure improvements for Phase 1, 2, and 3, and for the multi-family development tract. The Project also includes off-site water main and force main improvements on Malabar Road, all as described below.

- **Malabar Road Offsite Improvements:**
 - Roadway Improvements – construct a 2-lane roadway section, per Brevard County criteria, along with associated drainage, striping, and signage starting approximately at the westernmost high school driveway and extending west $\pm 1,590$ LF to just beyond the Project entrance.
 - Utility Improvements – connection to the existing 20-inch water main and existing 16-inch force main on Malabar Road at the southwest corner of the existing Heritage high school site extending a 16-inch water main and 8-inch force main to the Project entrance.
- **Mass Grading:** Onsite mass grading earthwork and associated drainage improvements to serve the Project.
- **Phase 1:** Drainage and utility improvements to support the first phase (± 317 residential lots).
- **Phase 2:** Drainage and utility improvements to support the second phase (± 159 residential lots).
- **Phase 3:** Drainage and utility improvements to support the third phase (± 177 residential lots).
- **Multi-Family Tract:** Drainage and utility improvements to support the multi-family phase (± 232 units).
- **Amenity Center:** Anticipated 5,000 sf amenity center with recreational facilities and supporting drainage and utility infrastructure improvements to support its development.

The total cost for the Project is estimated to be \$43,154,759.70 and will provide special benefit to the assessable lands within the District, indicated within the attached Exhibits.

This report describes facilities and costs only for the following:

- Malabar Road Offsite improvements – roadway, drainage, and utilities
- Mass Grading – onsite earthwork and drainage improvements
- Phase 1 – onsite paving, drainage, and utility improvements
- Phase 2 – onsite paving, drainage, and utility improvements
- Phase 3 – onsite paving, drainage, and utility improvements
- Multi-Family Tract – onsite paving, drainage, and utility improvements
- Amenity – onsite paving, drainage, and utility improvements

The District and the City of Palm Bay will provide services to the lands within the District. Some facilities constructed or acquired by the District, such as potable water, wastewater facilities, and Malabar Road improvements, will be transferred to local government for ownership, operation, and maintenance. Other facilities, such as Project interior road rights-of-way, stormwater management facilities, landscape, and hardscape improvements will be owned and/or maintained by the District. All public infrastructure that will be financed by the District will be on land owned by the District or subject to a permanent easement dedicated to the District.

The Project is intended to provide public infrastructure improvements for the entire development, which is planned for the following product types:

Product Types

Product Type	Total Units
Townhomes (multi-family)	126
Villas (multi-family)	106
40-foot wide single-family	212
50-foot wide single-family	322
60-foot wide single-family	119
TOTAL	885

DISTRICT LOCATION AND LIMITS

The District is located within the corporate limits of the City of Palm Bay, Florida. The District currently encompasses approximately 283.37 acres of land and, more specifically, the following areas:

- Malabar Springs is located on the north side of Malabar Road, west of St. Johns Heritage Parkway (SJHP), immediately west of Heritage high school and between the Melbourne-Tillman Water Control District (MTWCD) C-5 and C-6 Canals. The District's boundary excludes the adjacent Melbourne-Tilman Water Control District easement parcel (± 9.2 acres) at the southwest corner of the project, and a Malabar Road right-of-way dedication along the southern edge of the property.

Refer to Appendix A for the sketch and legal description of current District boundaries.

PROPOSED DISTRICT FACILITIES

I. Stormwater Management Facilities

1. **Existing Facilities** – The District lands have historically been utilized for agricultural purposes, including intermittent sod and cattle pasture, over the past 30-40 years. The land is traversed by a series of minor agricultural drainage ditches. These ditches have effectively provided adequate drainage for the ongoing agricultural operations.
2. **Proposed Facilities** – Stormwater management facilities are designed in accordance with criteria established by the City of Palm Bay, Melbourne-Tillman Water Control District (MTWCD) and the St. Johns River Water Management District (SJRWMD). These criteria include requirements to provide flood protection, water quality treatment, and discharge attenuation so that stormwater discharge from the site in the post-development condition does not exceed pre-development values.

Proposed facilities will include stormwater ponds and interconnecting pipes and discharge control structures. Drainage inlets, curb and gutter, swales, pipes, and soil stabilization methods will also be constructed to insure the system functions in accordance with applicable governmental agency requirements. Refer to Appendices B, C, D and E for exhibits of these improvements. The District will own and maintain the stormwater management and drainage facilities.

The stormwater management facilities financed by the District will not include (1) transportation to or use of fill from the stormwater ponds on private land, or (2) earthwork or grading on private land.

II. Utilities

1. **Existing Facilities** – The City of Palm Bay owns and operates a 20-inch water main and a 16-inch force main along Malabar Road terminating at Heritage high school's southwest corner.
2. **Proposed Facilities** – Off-site utility improvements are required to provide potable water and wastewater service to the District. This includes 16-inch water main and 8-inch force main extensions from the southwest corner of Heritage high school to the Project entrance. Refer to the Malabar Road improvements exhibit.

The Project facilities will include onsite interconnected potable water mains, onsite gravity sanitary sewer system including two (2) lift stations and associated force main piping, offsite water main and force main extensions to connect to the existing utilities along Malabar Road. Refer to Appendices B, C, D and E for exhibits of these improvements. No lateral utility service lines on private property will be financed by the District.

Potable water mains are designed in accordance with the City of Palm Bay Utility Department criteria having a design flow of 225 gpm per ERC (Equivalent Residential Connection) with a peaking factor of 1.5. The potable water system will be designed to provide fire flows of 1,000 gpm plus peak potable water demand with a minimum pressure of 20 psi and a maximum flow velocity of 10 ft/sec.

Sanitary sewer force mains are designed in accordance with the City of Palm Bay Utility Department criteria having a design flow of 210 gpm per ERC (Equivalent Residential Connection) with a peak factor (3.5) calculated using the Ten States Standards formula, based on population. The minimum design velocity within the force main flow is 2 ft/sec.

This report assesses facilities and costs for the onsite utility improvements and the offsite potable water main and sanitary sewer force main extensions from their current termination points at the southwest corner of Heritage high school.

The potable water and sanitary sewer systems will be constructed and/or acquired by the District and then dedicated to the City of Palm Bay Utility Department for ownership, operation and maintenance.

III. Roadway Improvements:

The CIP includes subdivision roads within the District. Generally, all roads will be 2-lane un-divided roads with periodic roundabouts. Such roads include the roadway asphalt, base, and subgrade, roadway curb and gutter, striping and signage and sidewalks within rights-of-way abutting non-lot lands. Sidewalks abutting lots will be constructed by the homebuilders. All roads will be designed in accordance with County standards.

All internal roadways may be financed by the District. Collector roads are intended to be dedicated to the City for ownership, operation, and maintenance, while the District anticipates owning and operating all other roads. Alternatively, the developer may elect to finance the internal roads, gate them, and turn them over to a homeowner's association for ownership, operation and maintenance (in such an event, the District would be limited to financing only utilities, conservation/mitigation and stormwater improvements behind such gated areas).

IV. Hardscape, Landscape, and Irrigation:

The District will construct and/or install landscaping, irrigation and hardscaping within District common areas and public rights-of-way. The City has distinct design criteria requirements for planting and irrigation design. This Project will at a minimum meet those requirements and in most cases will exceed the requirements with enhancements for the benefit of the community.

All such landscaping, irrigation and hardscaping will be owned, maintained and funded by the District. Such infrastructure, to the extent that it is located in rights-of-way owned by the City will be maintained pursuant to a right-of-way agreement to be entered into with the City. Any landscaping, irrigation or hardscaping systems behind hard-gated roads, if any, would not be financed by the District and instead would be privately installed and maintained.

V. Streetlights / Undergrounding of Electrical Utility Lines

The District intends to lease street lights through an agreement with a local utility provider and will fund the street lights through an annual operations and maintenance assessment. As such, streetlights are not included as part of the CIP.

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

VI. Recreational Amenities:

As part of the overall development, the District intends to construct a clubhouse and other amenity facilities which will be available for use by the general public. Alternatively, the Developer may privately fund such facilities and, upon completion, transfer them to a homeowners' association for ownership, operation and maintenance. In such event, the amenities would be considered common elements for the exclusive benefit of the District landowners.

VII. Environmental Conservation/Mitigation

The District will provide onsite preservation areas associated with the construction of the development. The District will be responsible for the design, permitting, construction, maintenance, and government reporting of the preservation. These costs are included within the CIP.

VIII. Professional Services

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

IX. Off-Site Improvements

Offsite improvements include those along Malabar Road:

- Roadway Improvements – construct a 2-lane roadway section, per Brevard County criteria, along with associated drainage, striping, and signage starting approximately at the westernmost high school driveway and extending west $\pm 1,590$ LF to just beyond the Project entrance.
- Utility Improvements – connection to the existing 20-inch water main and existing 16-inch force main on Malabar Road at the southwest corner of the existing Heritage high school site extending a 16-inch water main and 8-inch force main to the Project entrance.

NOTE: In the event that impact fee credits are generated from any roadway, utilities or other improvements funded by the District, any such credits, if any, will be the subject of a separate agreement between the applicable developer and the District.

PERMITTING

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

City of Palm Bay

- Rezoning/Preliminary Planned Development (PUD) – approved by Council 10-07-21
- Final Development Plan (FDP) – approved by Council 11-17-22
- Subdivision Construction Plans – currently under review

Brevard County

- Roadway Concurrency application – currently under review
- Right-of-Way Use permit (Malabar Road) – to be submitted once Traffic Study is complete; anticipated December 2022

St. Johns River Water Management District (SJRWMD)

- ERP application submitted, currently under review

Melbourne Tilman Water Control District (MTWCD)

- Application submitted, currently under review

Florida Department of Environmental Protection (FDEP)

- Potable Water – application under review for signature at City, once signed will be submitted to FDEP
- Sanitary Sewer – application under review for signature at City, once signed will be submitted to FDEP
- NDPES – to be submitted as the project is closer to construction

Federal Emergency Management Agency (FEMA)

- CLOMR-F – application to be submitted to City for review/signature then forwarded to FEMA
- LOMR-F – application to be submitted after the mass grading has been completed and plat recorded

ESTIMATED PROJECT COSTS

A detailed opinion of probable construction costs for the Project including offsite utility and roadway improvements are provided in Appendix F with a summary provided in the table below. The total estimated cost is \$43,154,759.70. The estimate is based on current cost levels with no allowances for inflation or escalation over time.

Table 1
Opinion of Probable Construction Costs with Funding and O+M Summary

Item	Cost	Funded By	Owned By	Maintained By
Malabar Road Improvements	\$ 844,768.45	CDD	County and City	County and City
Mass Grading Improvements	\$ 5,983,953.00	CDD	CDD	CDD
Phase 1 Infrastructure Improvements	\$ 10,087,329.80	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 3,245,700.00	CDD	City	City
Phase 2 Infrastructure Improvements	\$ 1,621,933.50	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 1,909,675.00	CDD	City	City
Phase 3 Infrastructure Improvements	\$ 1,597,118.80	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 1,180,665.00	CDD	City	City
Multi-Family Tract Infrastructure Improvements	\$ 1,678,346.20	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 1,344,655.00	CDD	City	City
Amenity Infrastructure Improvements & Facility	\$ 3,250,000.00	CDD	CDD	CDD
Hardscape/Landscape/Irrigation (all Phases of Development)	\$ 1,693,155.00	CDD	CDD	CDD
Environmental Conservation/Mitigation	\$ 500,000.00	CDD	CDD	CDD
Professional Services	\$ 1,025,000.00	CDD	CDD	CDD
20% Contingency	\$ 7,192,459.95	CDD	CDD	CDD
Total Overall Cost	\$ 43,154,759.70			

- a. The probable costs estimated herein do not include anticipated carrying cost, interest reserves or other anticipated CDD expenditures that may be incurred.
- b. The developer reserves the right to finance any of the improvements outlined above, and have such improvements owned and maintained by a property owner's or homeowner's association, in which case such items would not be part of the CIP.
- c. The District may enter into an agreement with a third-party, or an applicable property owner's or homeowner's association, to maintain any District-owned improvements, subject to the approval of the District's bond counsel.

PROPOSED TIMETABLE FOR CONSTRUCTION OF DISTRICT SERVICES

District improvements are anticipated to be completed within approximately 4 years. Refer to Appendix G for the proposed timetable for construction of District services.

CONCLUSIONS AND RECOMMENDATIONS

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

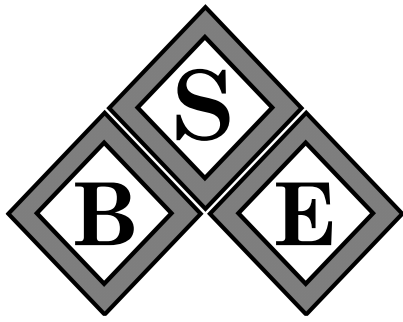
It is further our opinion that:

- the estimated cost to the CIP as set forth herein is reasonable based on prices currently being experienced in the jurisdiction in which the District is located, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- All of the improvements comprising the CIP are required by applicable development approvals issued pursuant to Section 380.06, Florida Statutes;
- the CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course; and
- the assessable property within the District will receive a special benefit from the CIP that is at least equal to such costs.

Also, the CIP will constitute a system of improvements that will provide benefits, both general, and special and peculiar, to all lands within the District. The general public, property owners, and property outside the District will benefit from the provisions of the District's CIP; however, these are incidental to the District's CIP, which is designed solely to provide special benefits peculiar to property within the District. Special and peculiar benefits accrue to property within the District and enables properties within its boundaries to be developed.

The CIP will be owned by the District or other governmental units and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on perpetual easements in favor of the District or other governmental entity. The CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property. The District will pay the lesser of the cost of the components of the CIP or the fair market value.

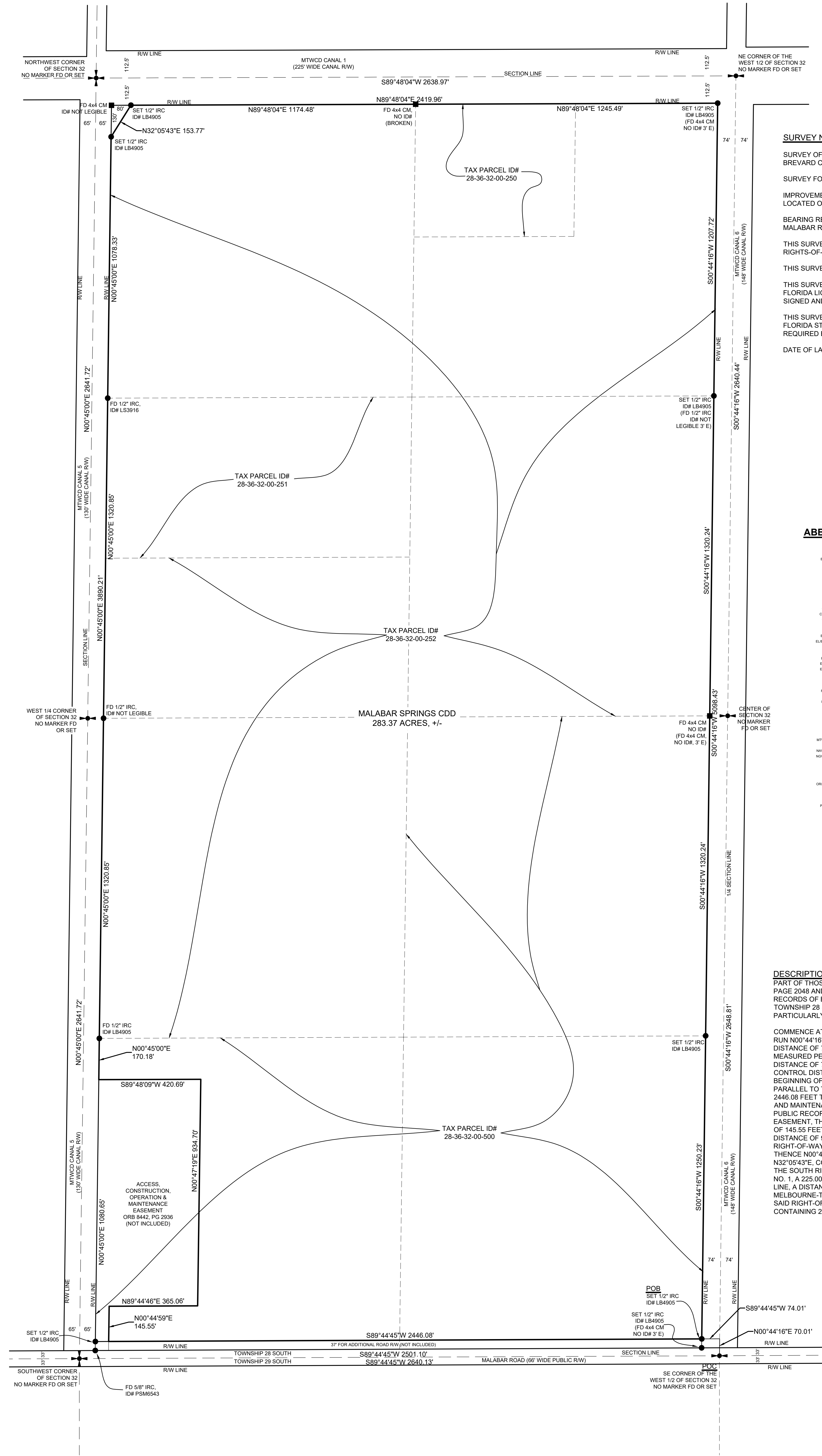
Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water,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



APPENDIX A

LEGAL SKETCH AND DESCRIPTION

H:\Projects\Brevard\11604\Drawings\11604_100_007_FOR_CDD.dwg, June 10, 2022 11:43:15 AM L4



SURVEY NOTES:

SURVEY OF PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY AND DESCRIPTION ONLY.

IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF S89°44'45"W ON THE NORTH R/W LINE OF MALABAR ROAD.

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

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

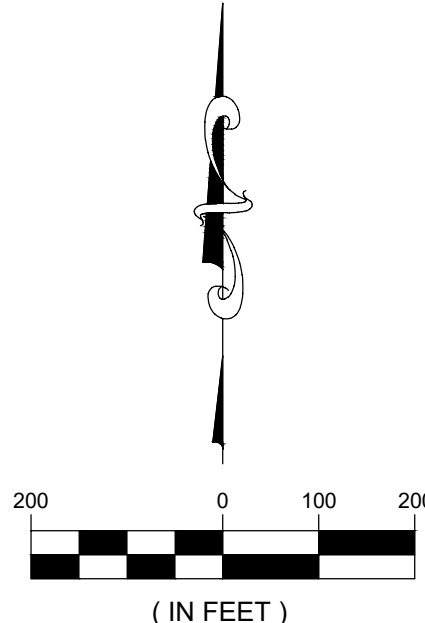
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 05/03/2022

ABBREVIATIONS

- ACC ADJUSTMENT
- AL ARC LENGTH
- AVE AVENUE
- BLVD BOULEVARD
- BM BENCH MARK
- BCC BEGINNING OF CURVE
- CL CENTERLINE
- CA CENTRAL ANGLE
- CB CHORD BEARING
- CBS CONCRETE BLOCK STRUCTURE
- CH CHORD LENGTH
- CM CONCRETE MONUMENT
- CMP CORRUGATED METAL PIPE
- CNC CONCRETE
- COR CORNER
- DEL DELTA CENTRAL ANGLE
- DEI DEVELOPMENT OF REGIONAL IMPACT
- ELEC ELECTRIC
- ELEV ELEVATION
- END END OF CURVE
- EOC END OF CURVE
- EPW EDGE OF PAVEMENT
- EWW EDGE OF WATER
- ERP ELLIPTICAL REINFORCED CONCRETE PIPE
- ESBT EASEMENT
- FD FOUND
- FTE FINISHED FLOOR ELEVATION
- FH FIRE HYDRANT
- FLAL FLORIDA POWER AND LIGHT
- FT FEET
- HRY HIGHWAY
- ID IDENTIFICATION NUMBER
- IRV INVERT
- IRI IRON ROD
- IRC IRON ROD AND CAP
- LB LICENSED BUSINESS
- LW LIGHTER WOOD POST
- MEL MELBOURNE-TILLMAN WATER CONTROL DISTRICT
- NAL AND DIRM
- NAVD83 NORTH AMERICAN VERTICAL DATUM 1983
- NGVD83 NATIONAL GEODETIC VERTICAL DATUM 1983
- NTI NON-TANGENT INTERSECTION
- NTL NON-TANGENT LINE
- NTS NOT TO SCALE
- OHE OVERHEAD ELECTRIC UTILITY
- ORCRB OFFICIAL RECORDS BOOK
- PLB PLAT BOOK
- POC POINT OF COMPOUND CURVATURE
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE(S)
- PK PARKER-KALEN
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PP POWER/UTILITY POLE
- PRC POINT OF REVERSE CURVATURE
- PUD PLANNED UNIT DEVELOPMENT
- PVC POLYVINYL CHLORIDE PIPE
- R RADIUS
- R/W RIGHT-OF-WAY
- RCP REINFORCED CONCRETE PIPE
- RR RAILROAD
- ST STREET
- TYP TYPICAL



DESCRIPTION:

PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5098.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

FIELD BOOK: ---	
PAGE(S): ---	
REVISED DESCRIPTION	6/10/2022
DESIGN/DRAWN: LEH	DATE: 6/1/2022

S

B

E

B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3874 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0040905

MALABAR SPRINGS CDD

BOUNDARY SURVEY

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

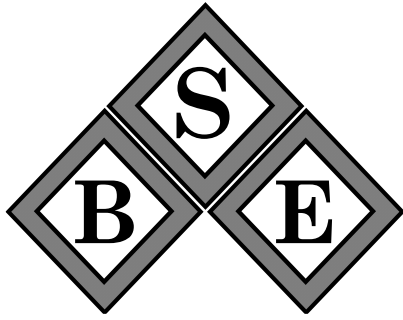
LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611

PROJECT NO.	11604
DRAWING NO.	11604_100_007
SHEET	1 of 1

DESCRIPTION FOR CDD:

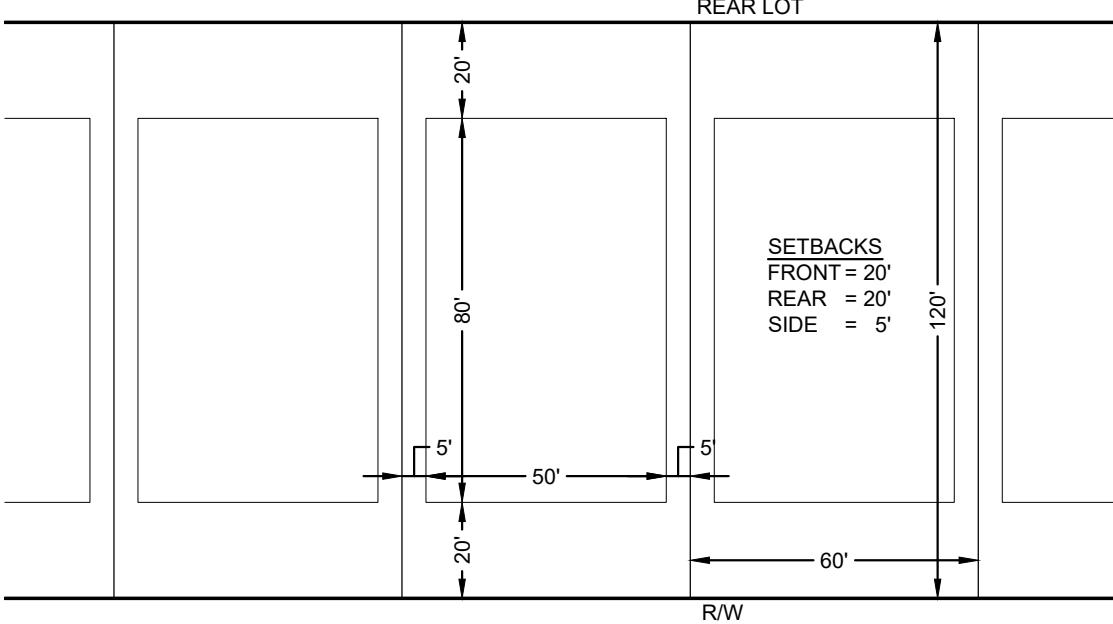
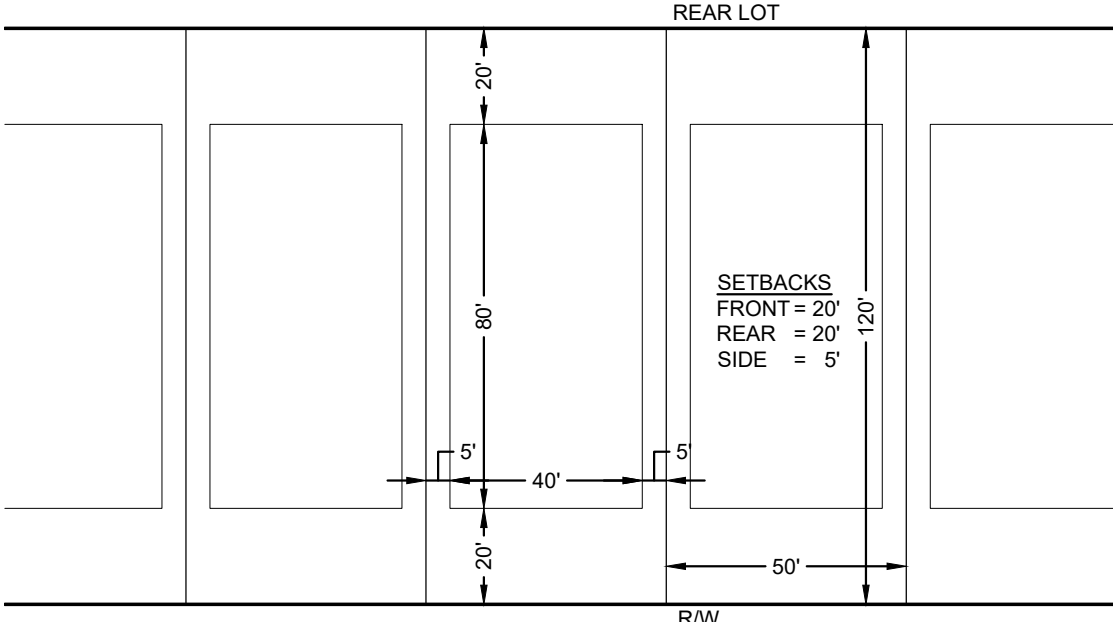
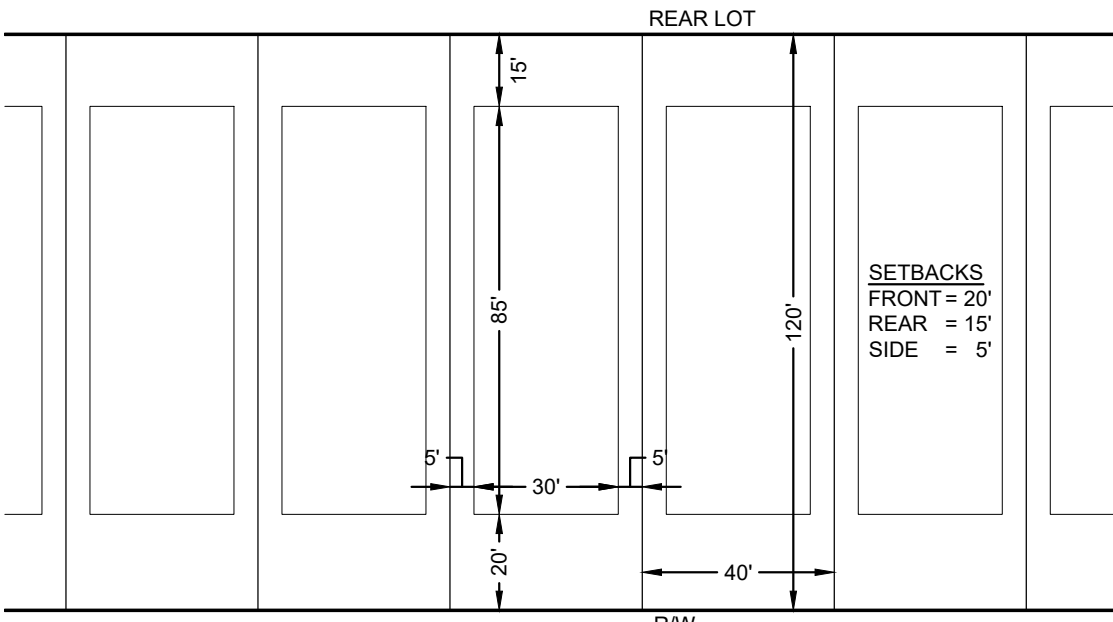
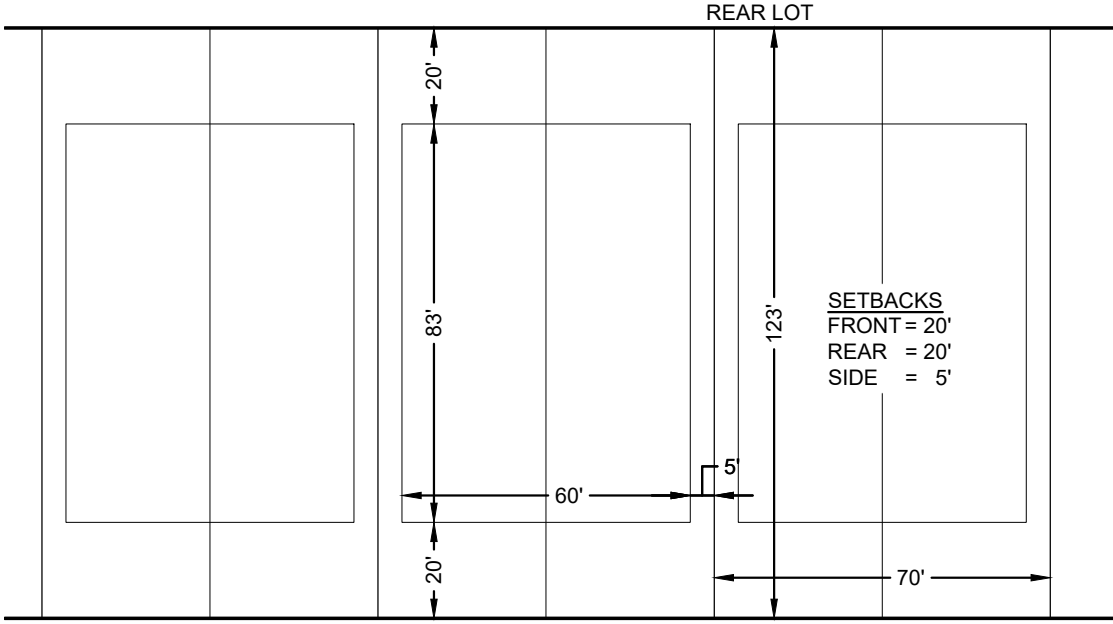
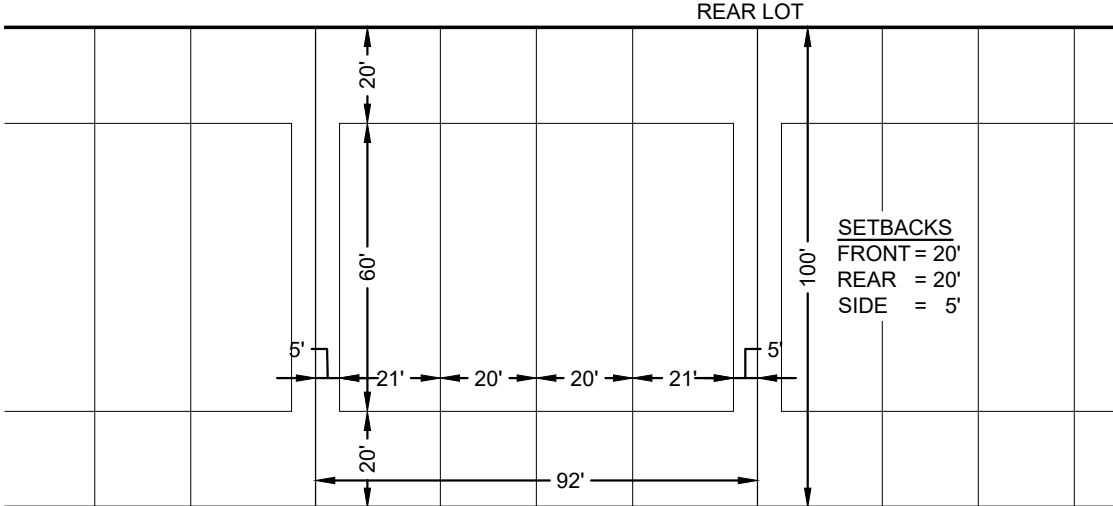
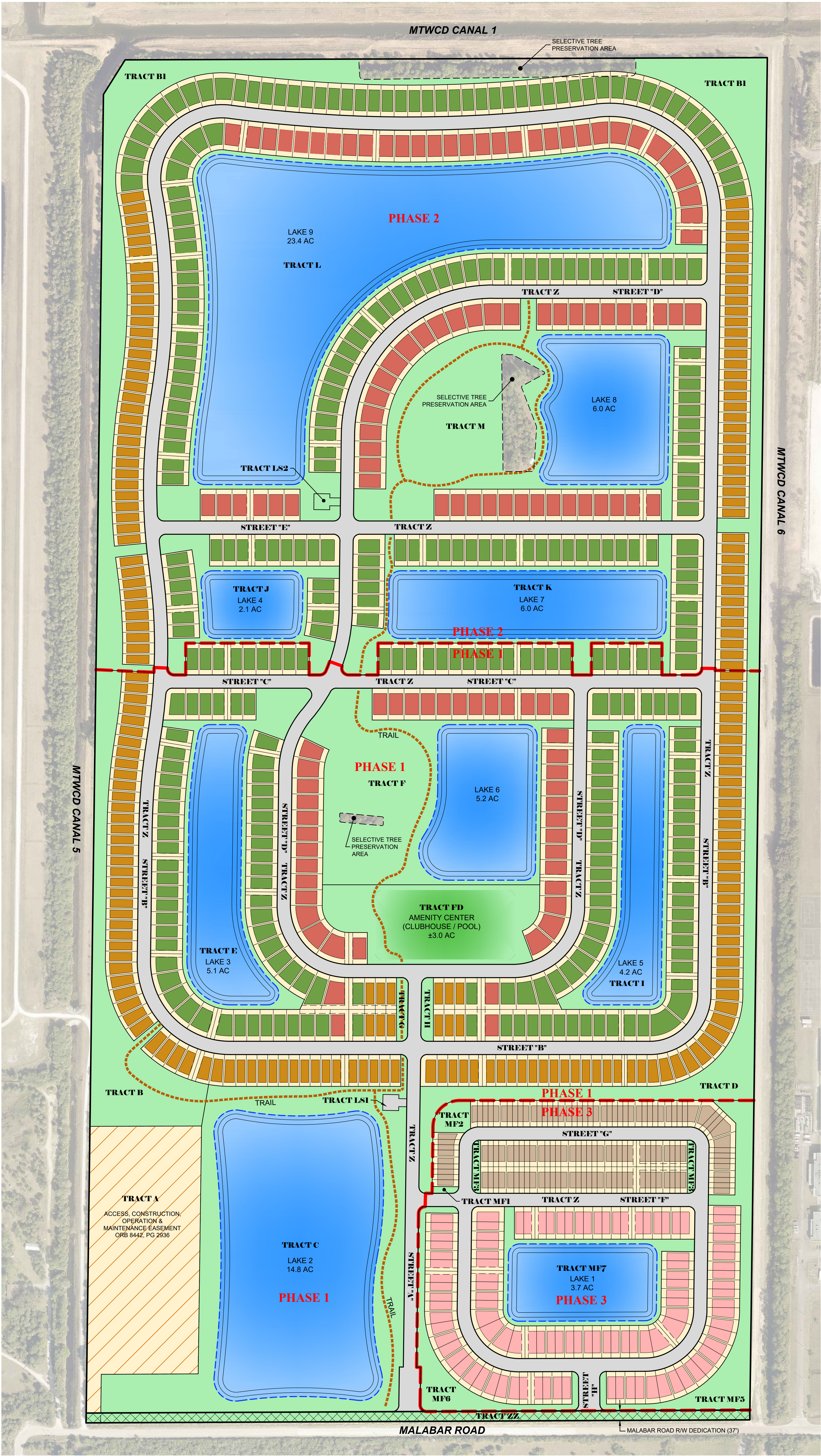
PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5098.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

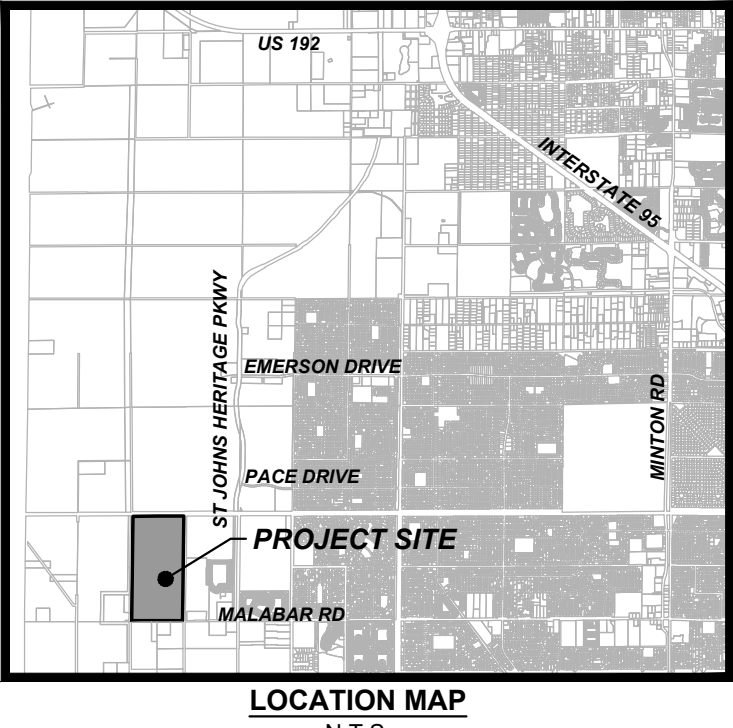


APPENDIX B

OVERALL PROJECT AND PHASING EXHIBIT



DEVELOPMENT AREA	PHASE 1 AREA (ACRES)	PHASE 2 AREA (ACRES)	PHASE 3 AREA (ACRES)
INFRASTRUCTURE DEVELOPMENT			
TRACT A	9.20		
TRACT LS1	0.10		
TRACT LS2		0.11	
TRACT Z	13.38	12.18	5.20
TRACT ZZ	2.12		
LOT / BLOCK AREA	45.30	49.89	18.65
LAKE AREA (@ NWL)	29.30	37.50	3.70
OPEN / GREEN / REC SPACE			
TRACT B	4.79		
TRACT B1		12.56	
TRACT C (LESS LAKE AREA)	8.05		
TRACT D	4.26		
TRACT E (LESS LAKE AREA)	2.02		
TRACT F (LESS LAKE AREA)	7.21		
TRACT FD	4.95		
TRACT G	0.23		
TRACT H	0.25		
TRACT I (LESS LAKE AREA)	1.40		
TRACT J (LESS LAKE AREA)		1.62	
TRACT K (LESS LAKE AREA)		2.23	
TRACT L (LESS LAKE AREA)		3.42	
TRACT M (LESS LAKE AREA)		9.39	
TRACT MF1			0.06
TRACT MF2			0.34
TRACT MF3			0.14
TRACT MF4			0.14
TRACT MF5			2.53
TRACT MF6			1.53
TRACT MF7 (LESS LAKE AREA)			0.95
INFRASTRUCTURE DEVELOPMENT TOTAL (294.7 ACRES)	132.56	128.90	33.24
OPEN SPACE CALCULATIONS			
MINIMUM REQUIRED IS 25% OF DEVELOPED AREA	33.14	32.23	8.31
75% OF OPEN SPACE CAN BE LAKE AREA	21.98	28.13	2.78
OPEN / GREEN / REC SPACE PROVIDED	33.16	29.22	5.69
TOTAL OPEN SPACE PROVIDED	55.14	57.35	8.46
	41.59%	44.49%	25.47%

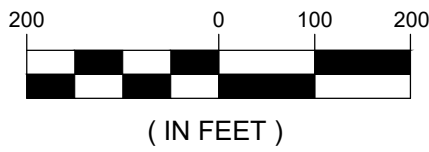


UNIT TYPE
= FRONT LOAD TOWNS
= PAIRED VILLAS (DUPLEX)
= 40 FT WIDE - SINGLE FAMILY
= 50 FT WIDE - SINGLE FAMILY
= 60 FT WIDE - SINGLE FAMILY

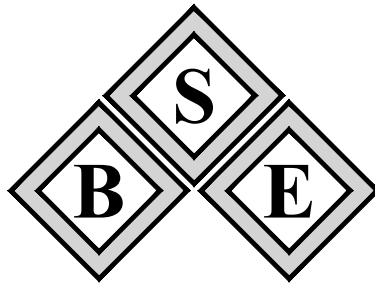
SINGLE FAMILY
40's 50's 60's
PHASE 1 127 147 43 317
PHASE 2 85 175 76 336
TOTAL 212 322 119 653

MULTI-FAMILY
FRONT LOAD TOWNS (4- , 5- , 6- PLEX BUILDINGS) = 126
PAIRED VILLAS (DUPLEX); 53 LOTS x2 UNITS PER = 106
TOTAL MULTI-FAMILY = 232 UNITS

TOTAL NUMBER OF UNITS = 653 + 232 = 885



DESIGN/DRAWN: ALS/DRB	DATE: 08/11/22
-----------------------	----------------



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3874 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4925
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

MALABAR SPRINGS

FINAL DEVELOPMENT PLAN
(FDP)

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

PROJECT NO.

11604

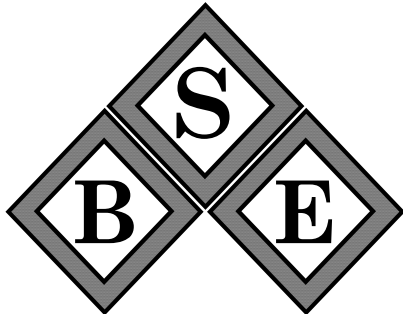
DRAWING NO.

11604_200_016

SHEET

1 of 1

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE; ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.



APPENDIX C
MALABAR ROAD IMPROVEMENTS EXHIBIT

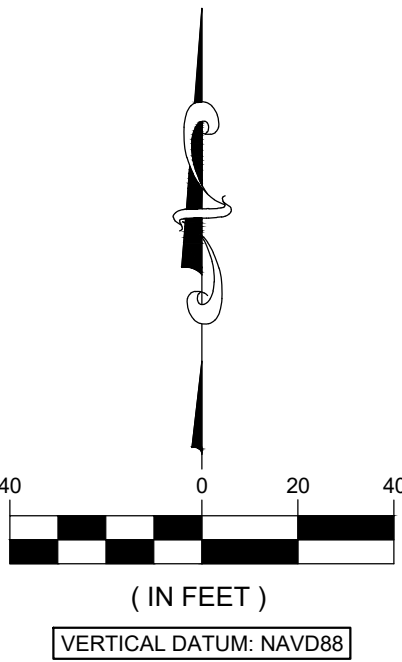


312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

[illegible]

WMD COMMENTS JULY/AUG 2022	****
----------------------------	------

DATE: 04/12/2

DESIGN/DRAWN: ALS/AH/DR

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

MALABAR ROAD EXISTING CONDITIONS PLAN

PROJECT NO.

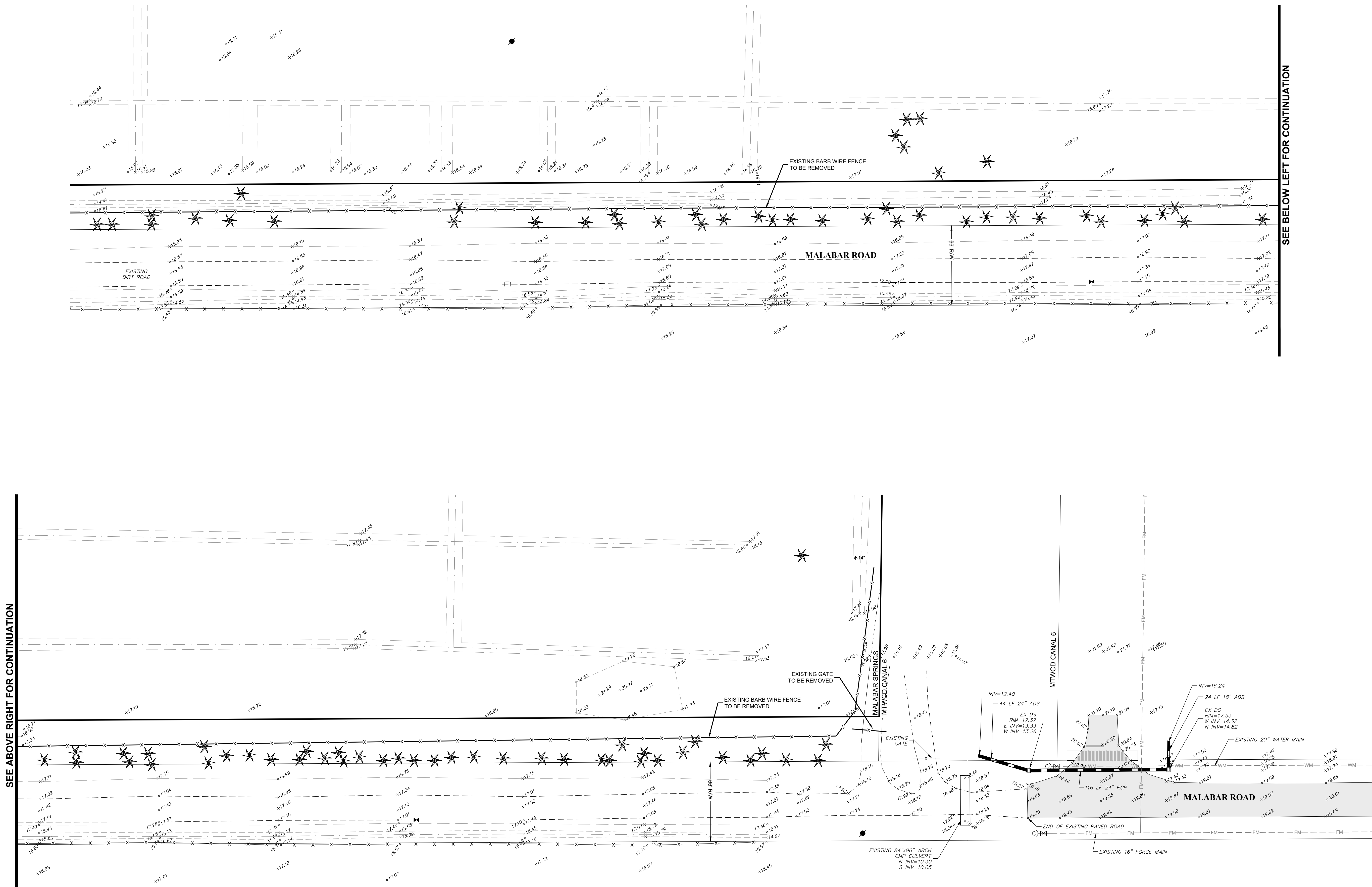
11604

DRAWING NO.

11604_400_103

SHEET

3 OF 7



SPACE RESERVED FOR CITY USE ONLY

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.

H:\Projects Folder\11604_400_101-107.dwg October 5, 2022 10:08:39 AM DB



312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

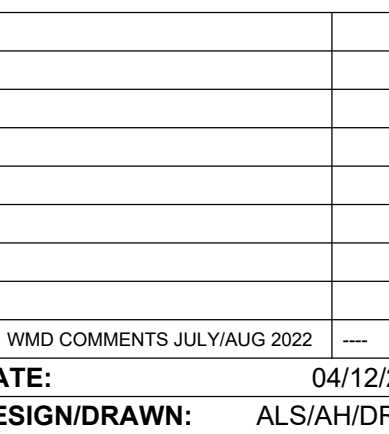
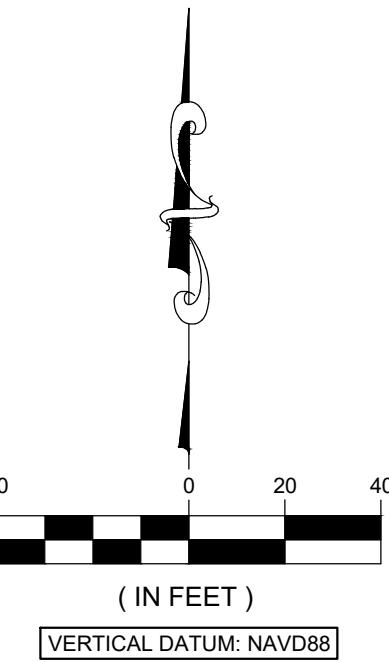
SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



- NOTES:
1. PROVIDE 12" WIDE RIBBON CURB WITHIN R/W, TYPICAL BOTH SIDES OF ENTRANCE
 2. PROVIDE ADA COMPLIANT RAMP WITH TRUNCATED DOMES; TYPICAL BOTH SIDES OF ENTRANCE

- | | |
|---------------|---|
| <p>NOTES:</p> | <ol style="list-style-type: none"> 1. MAINTENANCE OF TRAFFIC SHALL CONFORM TO FDOT DESIGN STANDARDS 2021-2022 INDEX 102-602 (TWO-LANE AND MULTILANE, WORK ON SHOULDER) AND INDEX 102-606 (TWO-LANE ROADWAY, LANE CLOSURE USING TEMPORARY TRAFFIC SIGNALS). 2. CONTRACTOR SHALL UTILIZE DITCHES, PIPES, AND/OR PUMPS AS NECESSARY TO MAINTAIN EXISTING DRAINAGE DURING ALL PHASES OF CONSTRUCTION. EXISTING DRAINAGE SHALL NOT BE BLOCKED OR ADVERSELY AFFECTED DURING CONSTRUCTION. 3. IF ANY SIGNAGE IN THE COUNTY RIGHT-OF-WAY IS REMOVED, IT SHALL BE REPLACED IN ACCORDANCE WITH BREVARD COUNTY LAND DEVELOPMENT EXHIBIT 26. 4. PROVIDE SILT FENCE AROUND ALL AREAS OF WORK WITHIN MALABAR ROAD RIGHT-OF-WAY. SOD ALL DISTURBED AREAS WITHIN 24 HOURS OF COMPLETING UTILITY CONSTRUCTION. |
|---------------|---|



PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

MALABAR ROAD PLAN AND PROFILE (1)

PROJECT NO.

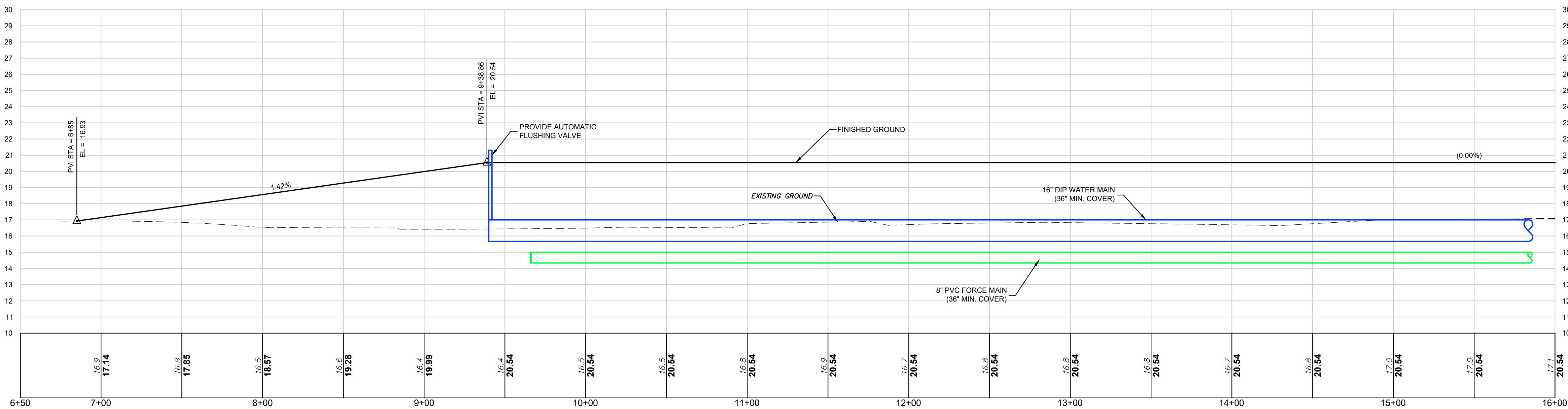
11604

DRAWING NO.

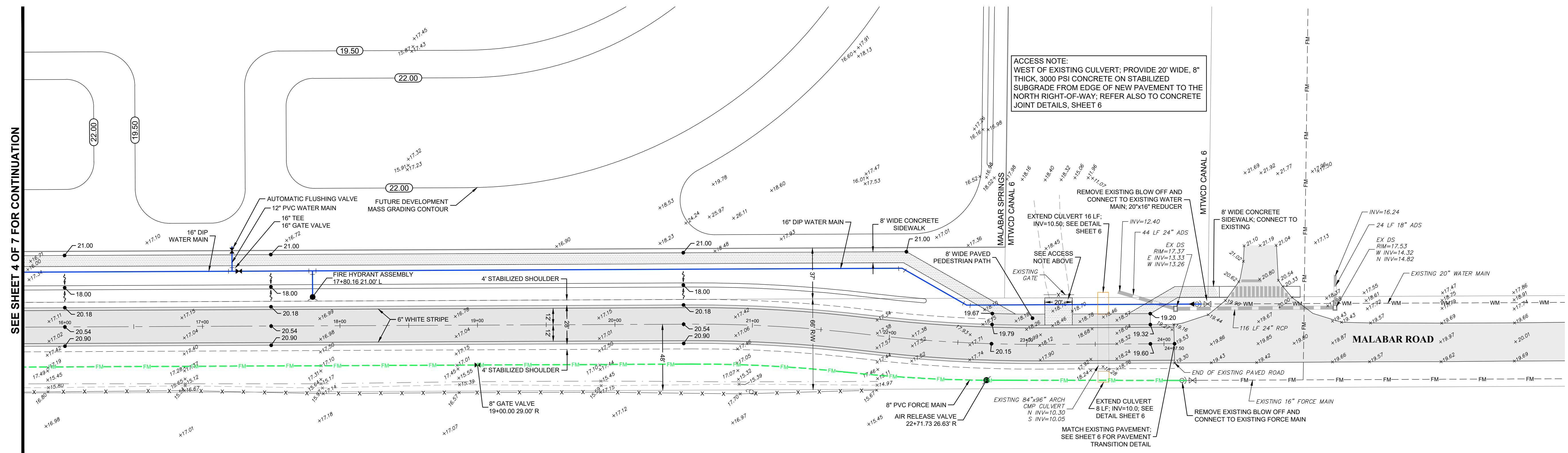
11604 400 104

SHEET

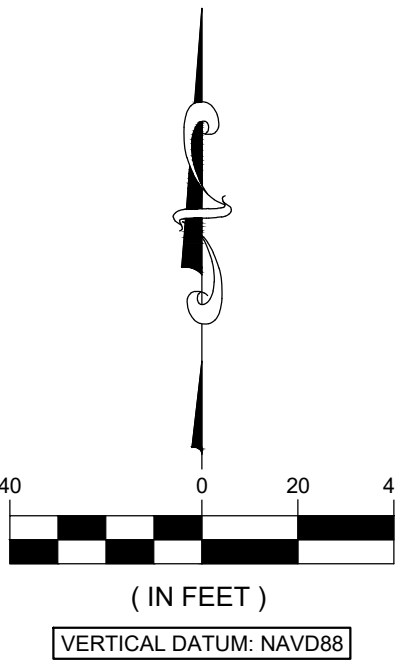
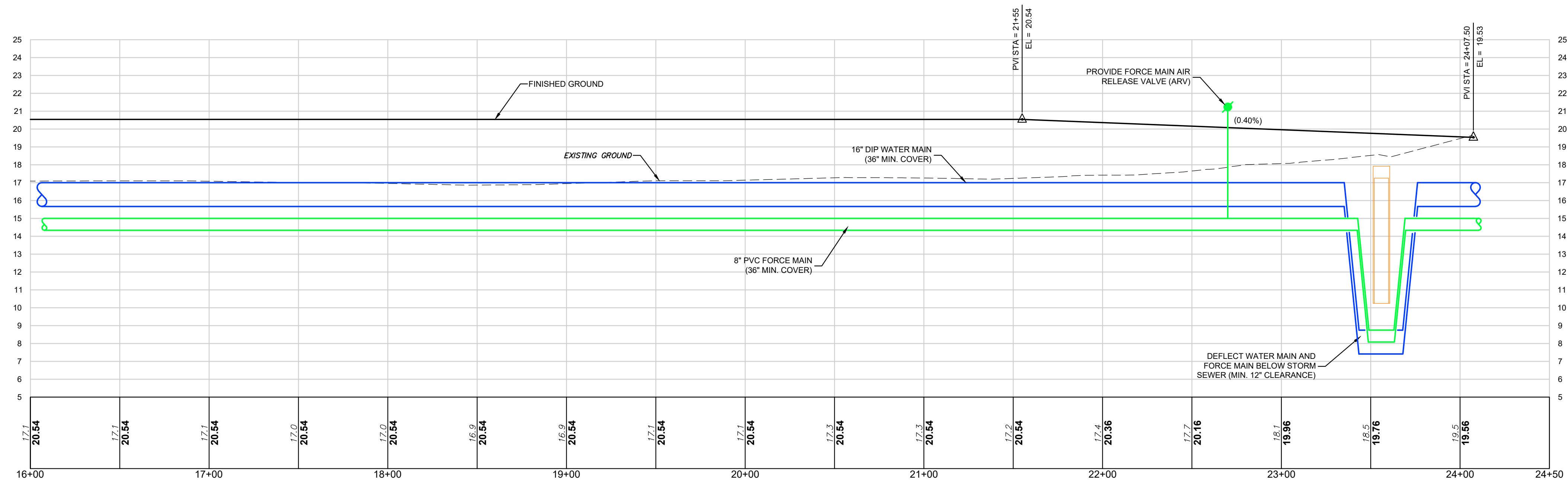
4 OF 7



SPACE RESERVED FOR CITY USE ONLY



- NOTES:
1. MAINTENANCE OF TRAFFIC SHALL CONFORM TO FDOT DESIGN STANDARDS 2021-2022 INDEX 102-602 (TWO-LANE AND MULTILANE, WORK ON SHOULDER) AND INDEX 102-606 (TWO-LANE ROADWAY, LANE CLOSURE USING TEMPORARY TRAFFIC SIGNALS).
 2. CONTRACTOR SHALL UTILIZE DITCHES, PIPES, AND/OR PUMPS AS NECESSARY TO MAINTAIN EXISTING DRAINAGE DURING ALL PHASES OF CONSTRUCTION. EXISTING DRAINAGE SHALL NOT BE BLOCKED OR ADVERSELY AFFECTED DURING CONSTRUCTION.
 3. IF ANY SIGNAGE IN THE COUNTY RIGHT-OF-WAY IS REMOVED, IT SHALL BE REPLACED IN ACCORDANCE WITH BREVARD COUNTY LAND DEVELOPMENT EXHIBIT 26.
 4. PROVIDE SILT FENCE AROUND ALL AREAS OF WORK WITHIN MALABAR ROAD RIGHT-OF-WAY. SOD ALL DISTURBED AREAS WITHIN 24 HOURS OF COMPLETING UTILITY CONSTRUCTION.



Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
WMD COMMENTS JULY/AUG 2002	****
DATE:	04/12/2
DESIGN/DRAWN:	ALS/AH/DR

PROJECT TITLE

MALABAR SPRINGS PHASE 1

SHEET TITLE

MALABAR ROAD PLAN AND PROFILE (2)

PROJECT NO.

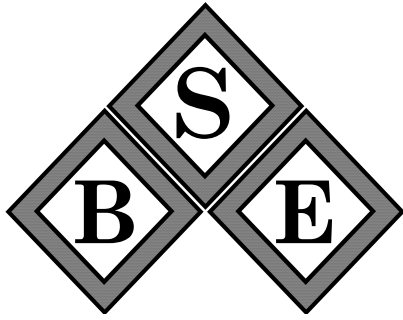
11604

DRAWING NO.

11604 400 105

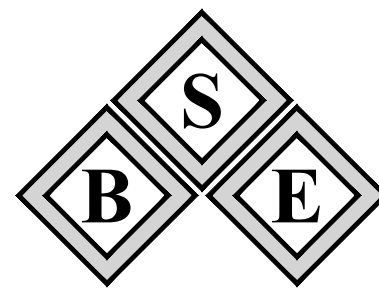
SHEET

5 OF 7



APPENDIX D

MASS GRADING AND PHASE 1 INFRASTRUCTURE IMPROVEMENTS

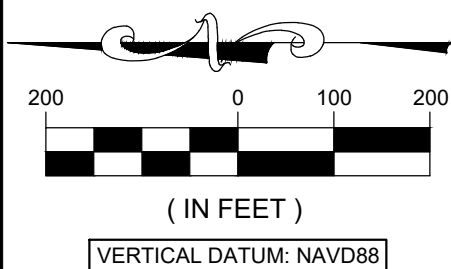


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: #105
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB000405

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

WMD COMMENTS JULY/AUG 2022

DATE: 04/12/22

DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

**OVERALL MASS
GRADING PLAN**

PROJECT NO.

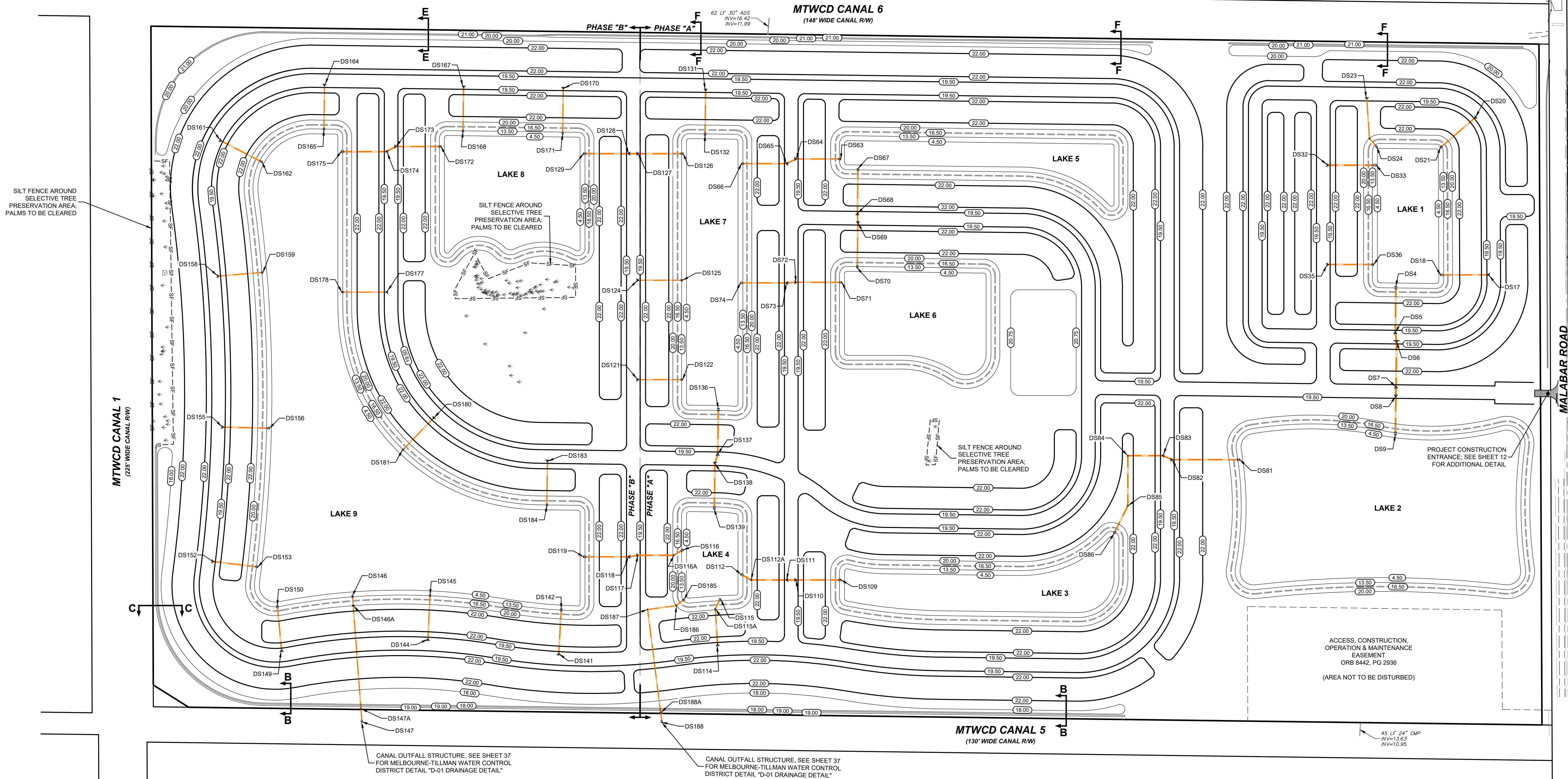
11604

DRAWING NO.

11604_000_008

SHEET

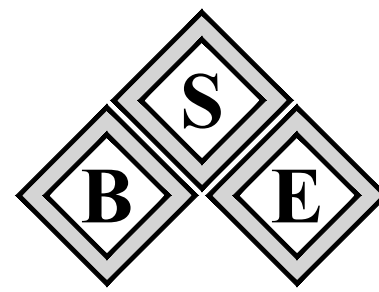
8 of 45



LAKE DATA TABLE						
LAKE ID	NWL	TOB	ANNUAL	10YR	25yr	100YR
LAKE 1	16.50	20.00	17.57	18.33	18.79	19.20
LAKE 2	16.50	20.00	17.56	18.32	18.78	19.18
LAKE 3	16.50	20.00	17.55	18.30	18.77	19.16
LAKE 4	16.50	20.00	17.52	18.24	18.69	19.06
LAKE 5	16.50	20.00	17.54	18.29	18.75	19.15
LAKE 6	16.50	20.00	17.55	18.30	18.76	19.16
LAKE 7	16.50	20.00	17.53	18.27	18.72	19.11
LAKE 8	16.50	20.00	17.52	18.26	18.71	19.09
LAKE 9	16.50	20.00	17.51	18.23	18.68	19.05

NOTES:

- SEE SHEETS 10 - 12 FOR ADDITIONAL MASS GRADING AND DRAINAGE DETAIL.
- SEE SHEET 36 FOR TYPICAL LAKE SECTION AND CONTROL STRUCTURE DETAILS.
- SEE SHEET 38 FOR PERIMETER CROSS SECTION DETAILS.
- PROJECT CONSTRUCTION ENTRANCE AS NOTED ON MALABAR ROAD.
- CONTRACTOR SHALL SOD (BAHIA) ALL DISTURBED AREA AT MALABAR ROAD CONSTRUCTION ENTRANCE, ALL DISTURBED AREA WITHIN MALABAR ROAD RIGHT-OF-WAY, AND ALL LAKE TOP OF BANK AREAS, REFER TO SHEET 36 FOR LAKE DETAILS AND LIMITS OF SOD; CONTRACTOR SHALL SEED AND MULCH ALL OTHER DISTURBED AREAS (100# BAHIA WITH 40# OF BROWN TOP MILLET SEED MIXTURE, MULCH WITH STRAW OR EQUAL)

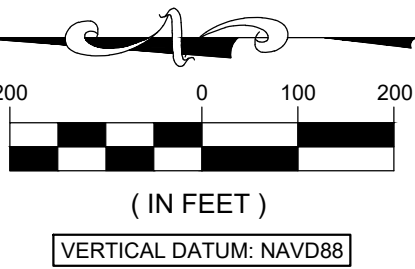


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3074 FAX: (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

WMD COMMENTS JULY/AUG 2022

DATE: 04/12/22

DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

**OVERALL
DRAINAGE PLAN**

PROJECT NO.

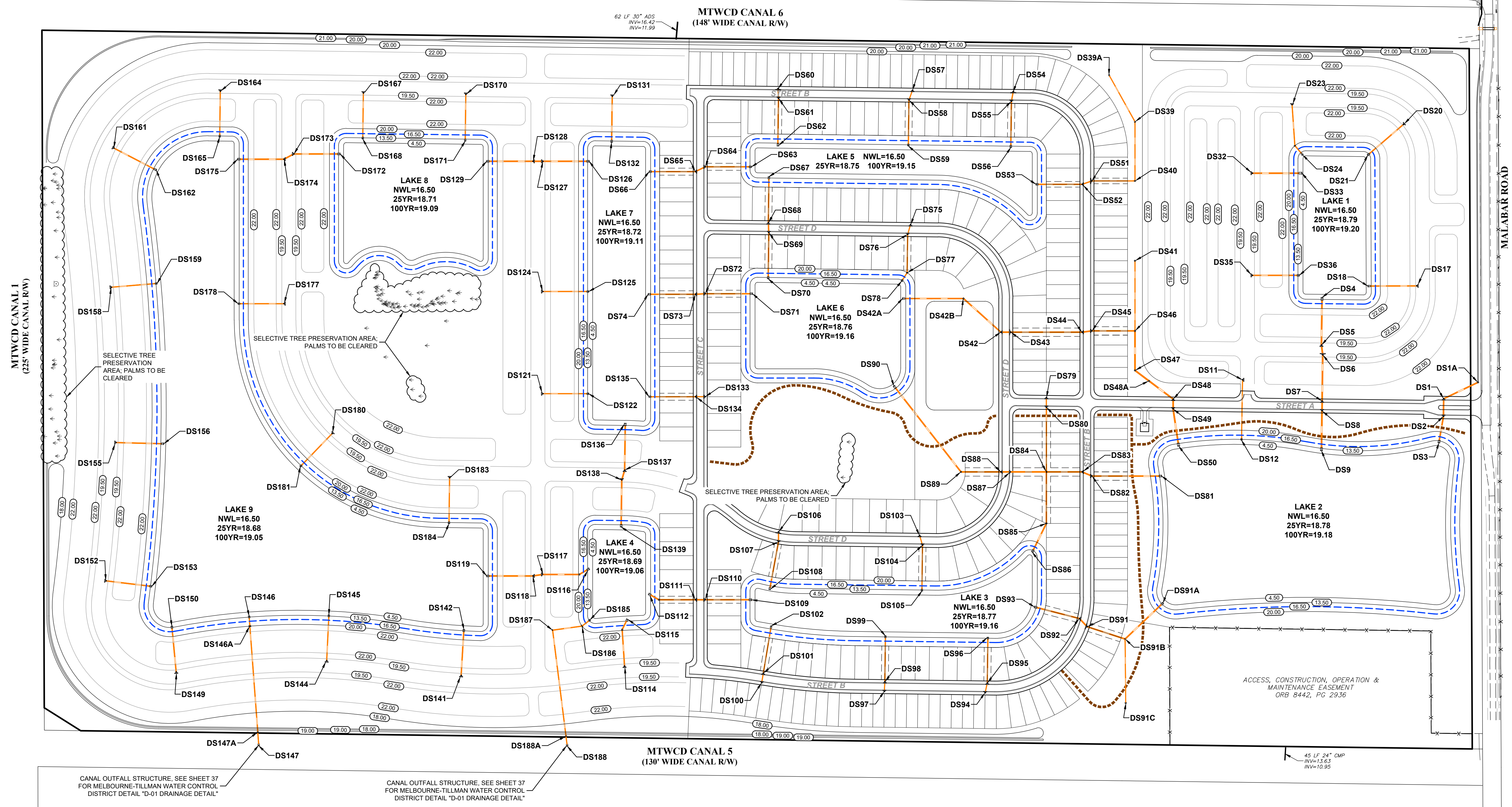
11604

DRAWING NO.

11604_400_013

SHEET

13 of 45



LAKE DATA TABLE						
LAKE ID	NWL	TOB	ANNUAL	10YR	25yr	100YR
LAKE 1	16.50	20.00	17.57	18.33	18.79	19.20
LAKE 2	16.50	20.00	17.56	18.32	18.78	19.18
LAKE 3	16.50	20.00	17.55	18.30	18.77	19.16
LAKE 4	16.50	20.00	17.52	18.24	18.69	19.06
LAKE 5	16.50	20.00	17.54	18.29	18.75	19.15
LAKE 6	16.50	20.00	17.55	18.30	18.76	19.16
LAKE 7	16.50	20.00	17.53	18.27	18.72	19.11
LAKE 8	16.50	20.00	17.52	18.26	18.71	19.09
LAKE 9	16.50	20.00	17.51	18.23	18.68	19.05



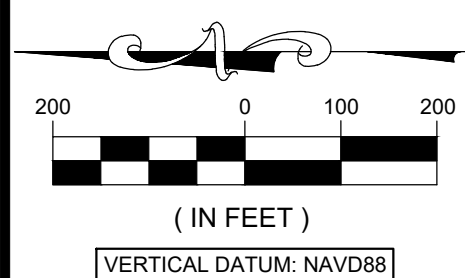
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

FIRE HYDRANT ASSEMBLY



		
		
		
		
		
		
		
		
	WMD COMMENTS JULY/AUG 2022	----
DATE:	04/12/22	
DESIGN/DRAWN:	ALS/AH/DRE	

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

**OVERALL
POTABLE WATER
PLAN**

PROJECT NO.

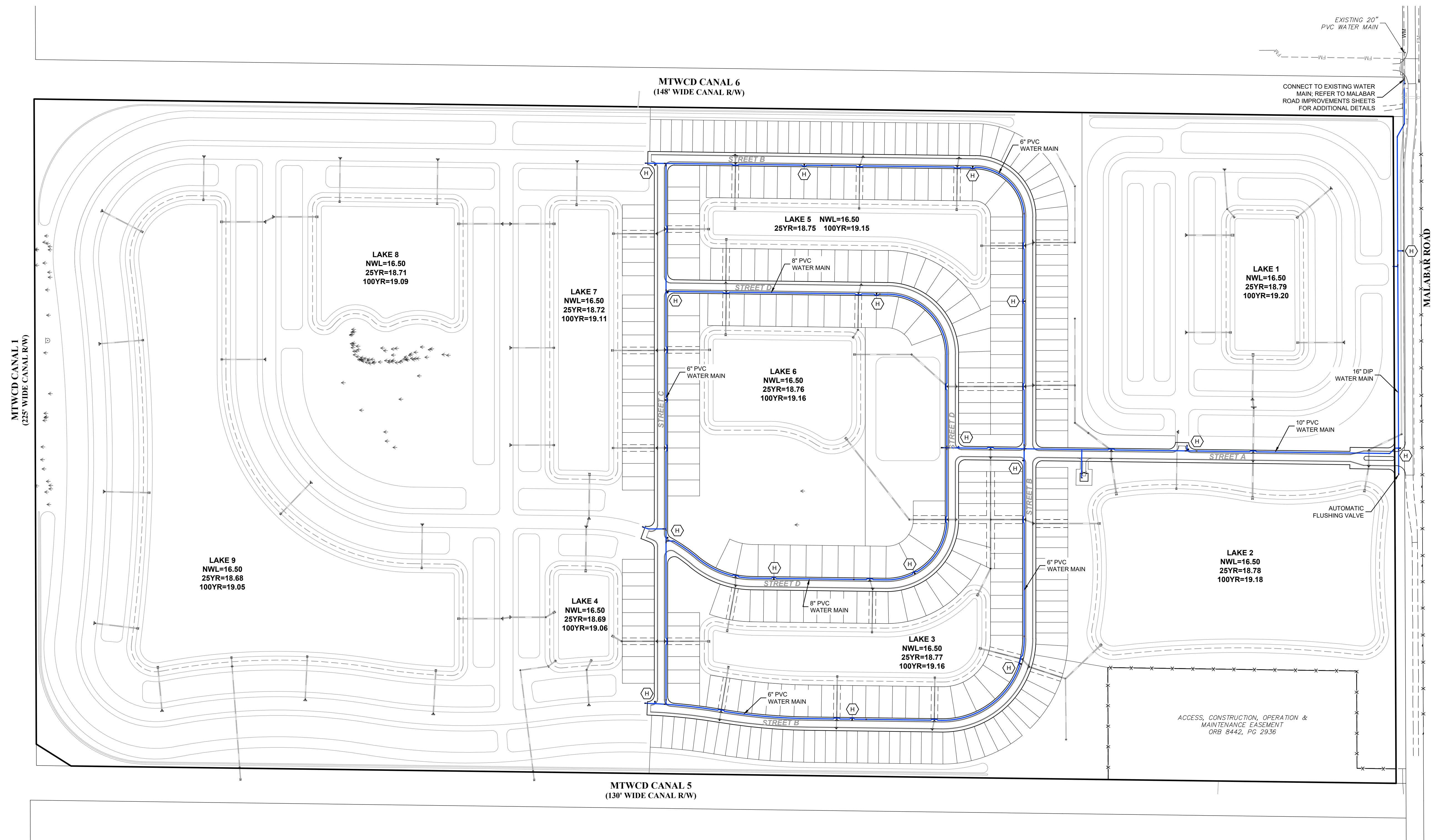
11604

DRAWING NO.

11604 400 022

SHEET

22 of 45



GENERAL NOTES:

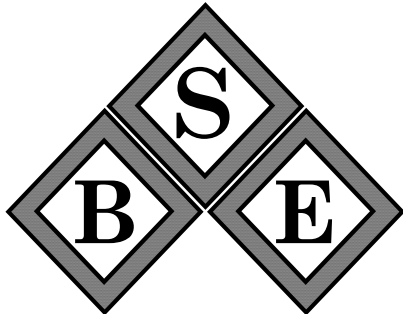
1. THE CITY OF PALM BAY UTILITIES INSPECTOR MUST BE NOTIFIED 48 HOURS PRIOR TO ANY UTILITIES WORK OR ANY WORK OCCURRING WITHIN THE VICINITY OF EXISTING WATER AND SEWER UTILITIES.
2. THE CONTRACTOR SHALL NOT OPERATE ANY PUBLIC WATER OR SEWER VALVES UNLESS SPECIFICALLY AUTHORIZED BY THE UTILITIES INSPECTOR.
3. THE FLOW TESTING OF ALL FIRE HYDRANTS PUBLIC OR PRIVATE SHALL BE WITNESSED BY THE FIRE PLANS EXAMINER. PUBLIC HYDRANTS SHALL BE TESTED TO THE REQUIREMENTS OF THE CITY OF PALM BAY UTILITIES DEPARTMENT. PRIVATE FIRE HYDRANTS SHALL BE TESTED TO THE REQUIREMENTS OF NFPA 24.
4. FIRE FLOW AND FLOW DURATION FOR ONE- AND TWO-FAMILY DWELLINGS HAVING A FIRE FLOW AREA IN EXCESS OF 5000 FT 2 (334.5 M2) SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE 18-4.5.1.2.

THE REQUIRED FIRE FLOW FOR THIS PROJECT IS AS FOLLOWS: SINGLE FAMILY: 1,000 GPM

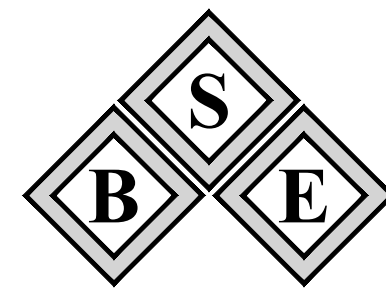
Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177.

1. (FFPC 1-18.2.3.5.1.1) Fire department access roads shall have an unobstructed width of not less than 20 ft. The driving surface shall be maintained during all phases of construction and (FFPC-1-18.2.3.5.2) must be an all-weather driving surface capable of supporting a (§ 33-28) seventy thousand (70,000) pound emergency vehicles with maximum axle loads of thirty-five thousand (35,000) pounds.
2. (FFPC 1-16.4.3.1) (NFA 241-8.7.2) (§ 33.28) Hydrants or alternative water supplies that are proposed to meet the required fire flow shall be installed and operational prior to the delivery of combustible materials to the site.
3. (FFPC 1-18.2.2.2) The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved code or system. All motorized gates shall include a Click to Enter System or a Siren Operated Switch and Knox Key Switch backup. All manual gates shall have a Knox Padlock. Order Knox products at knoxbox.com. Indicate the gates shall have a minimum clear width of 14 feet.
4. (FFPC 1-18.5.7.2) A clear space of not less than 60 in. (1524 mm) shall be provided in front of each hydrant connection having a diameter greater than 2-1/2 in.
5. (FFPC 1-18.5.7.1) A 36 in. (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
6. (NFA 24-7.3.3) The center of a hose outlet shall be not less than 18 in. (457 mm) above final grade.
7. (FFPC 1-18.5.1.6) Fire hydrants shall be located not more than 12 ft (3.7 m) from the fire department access road.

SPACE RESERVED FOR CITY USE ONLY



APPENDIX E
PHASES 2, 3 AND MULTI-FAMILY INFRASTRUCTURE EXHIBITS

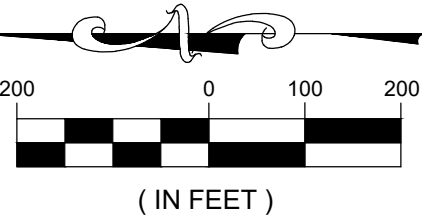


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004605

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	

DATE: 11/30/22
DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS**

SHEET TITLE

**OVERALL
DRAINAGE
EXHIBIT**

PROJECT NO.

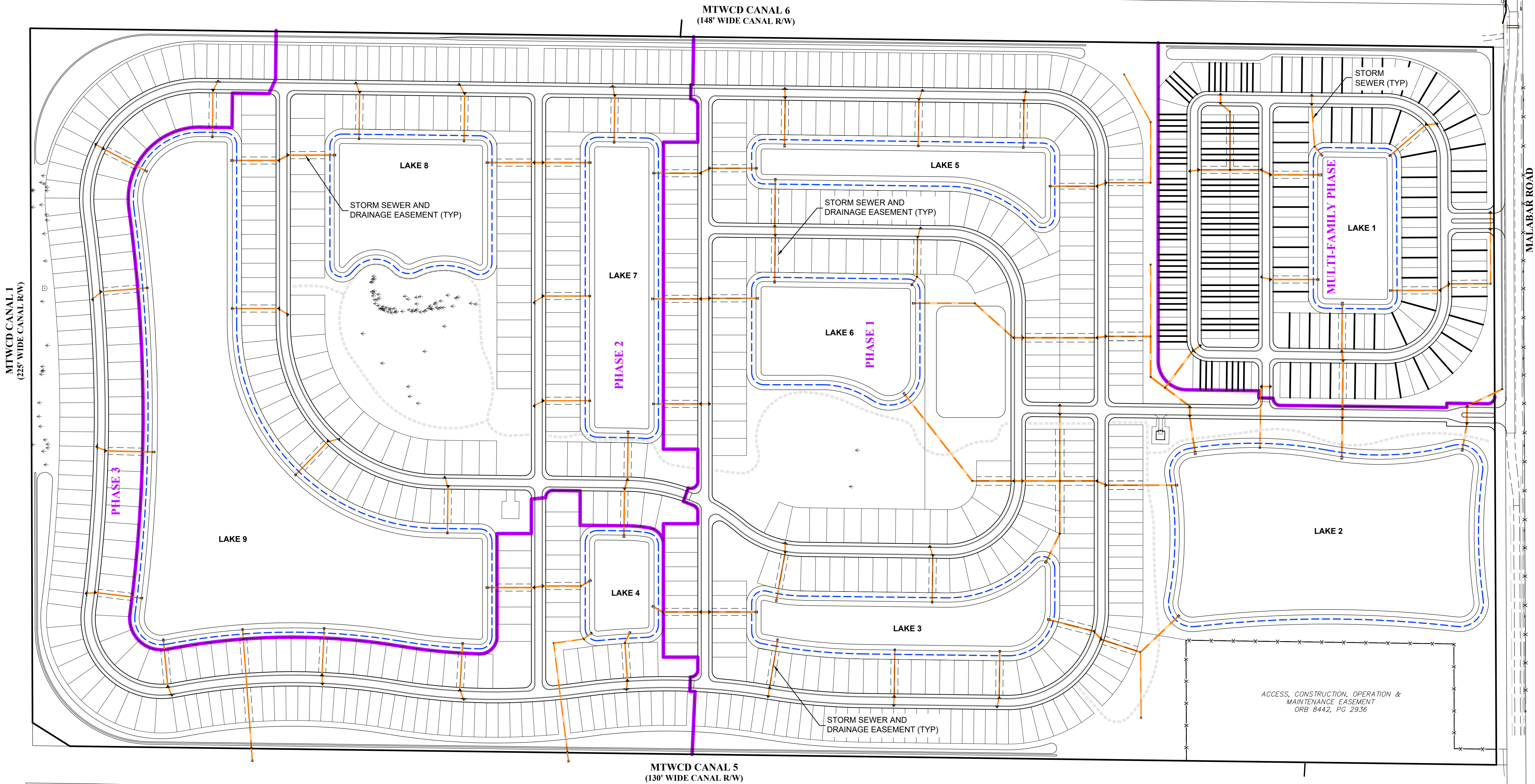
11604

DRAWING NO.

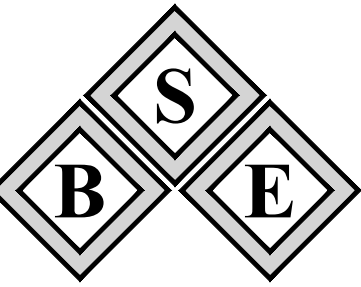
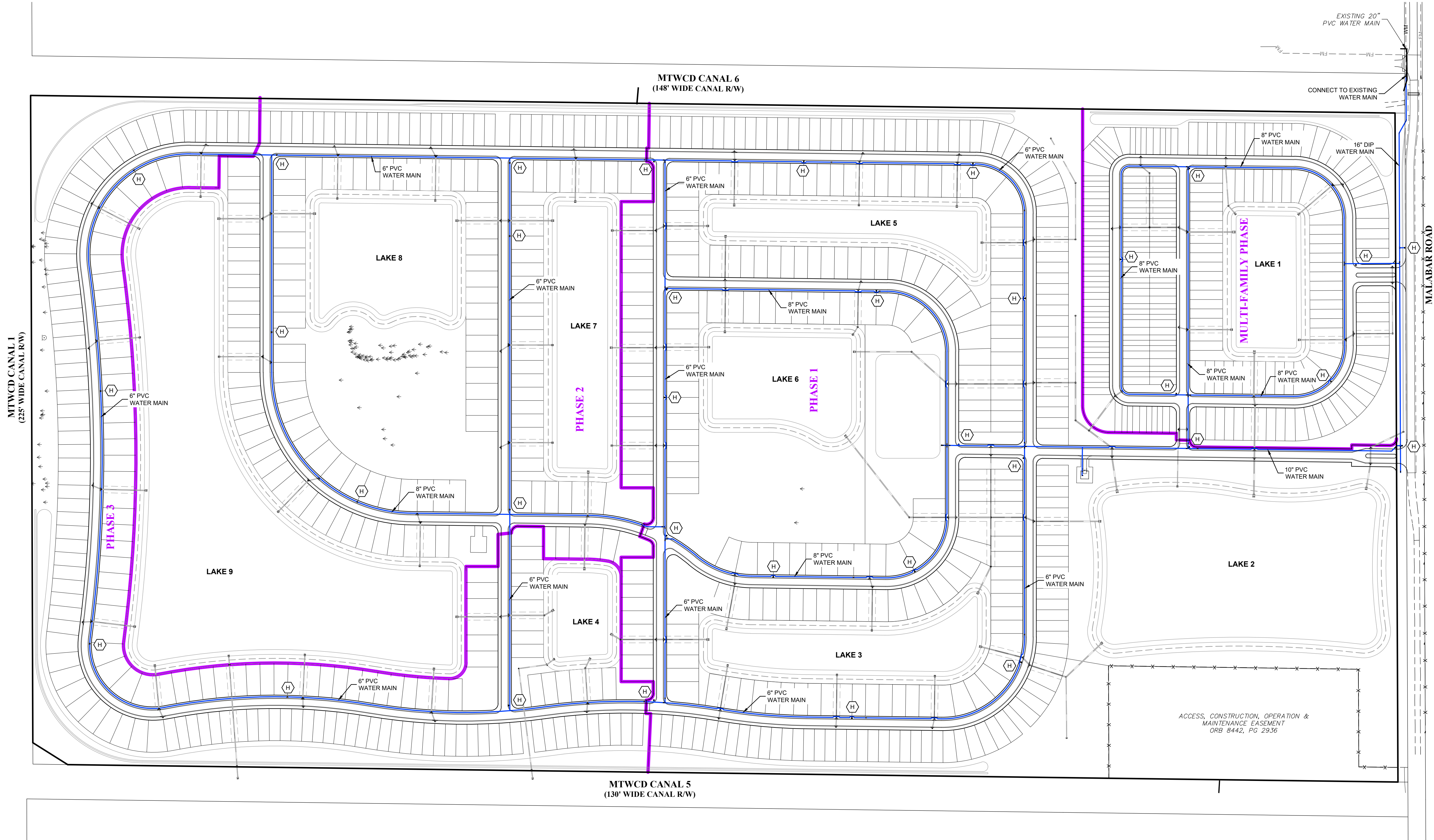
11604_201_001

SHEET

1 of 1



H:\Projects_Folder\11604\Drawings\11604_201_002.dwg November 30, 2022 4:16:09 PM LDB



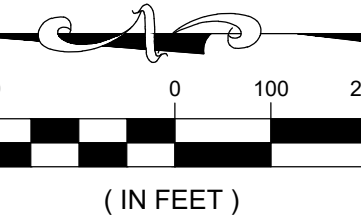
B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004005

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

(H) FIRE HYDRANT ASSEMBLY



(H)	
(H)	
(H)	
(H)	
(H)	
(H)	
(H)	
(H)	
(H)	
(H)	

DATE: 11/30/22
DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS**

SHEET TITLE

**OVERALL
POTABLE WATER
EXHIBIT**

PROJECT NO.

11604

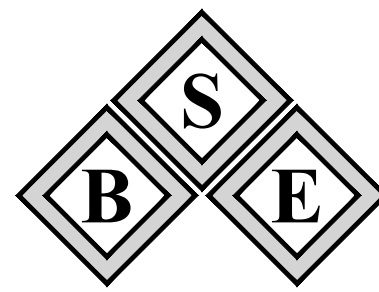
DRAWING NO.

11604_201_002

SHEET

1 of 1

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.

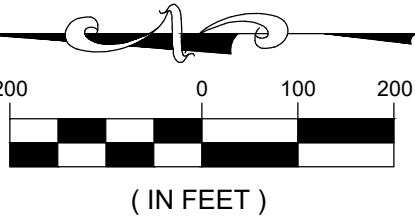


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE (321) 725-3674 FAX (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004605

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	

DATE: 11/30/22
DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS**

SHEET TITLE

**OVERALL
SANITARY SEWER
EXHIBIT**

PROJECT NO.

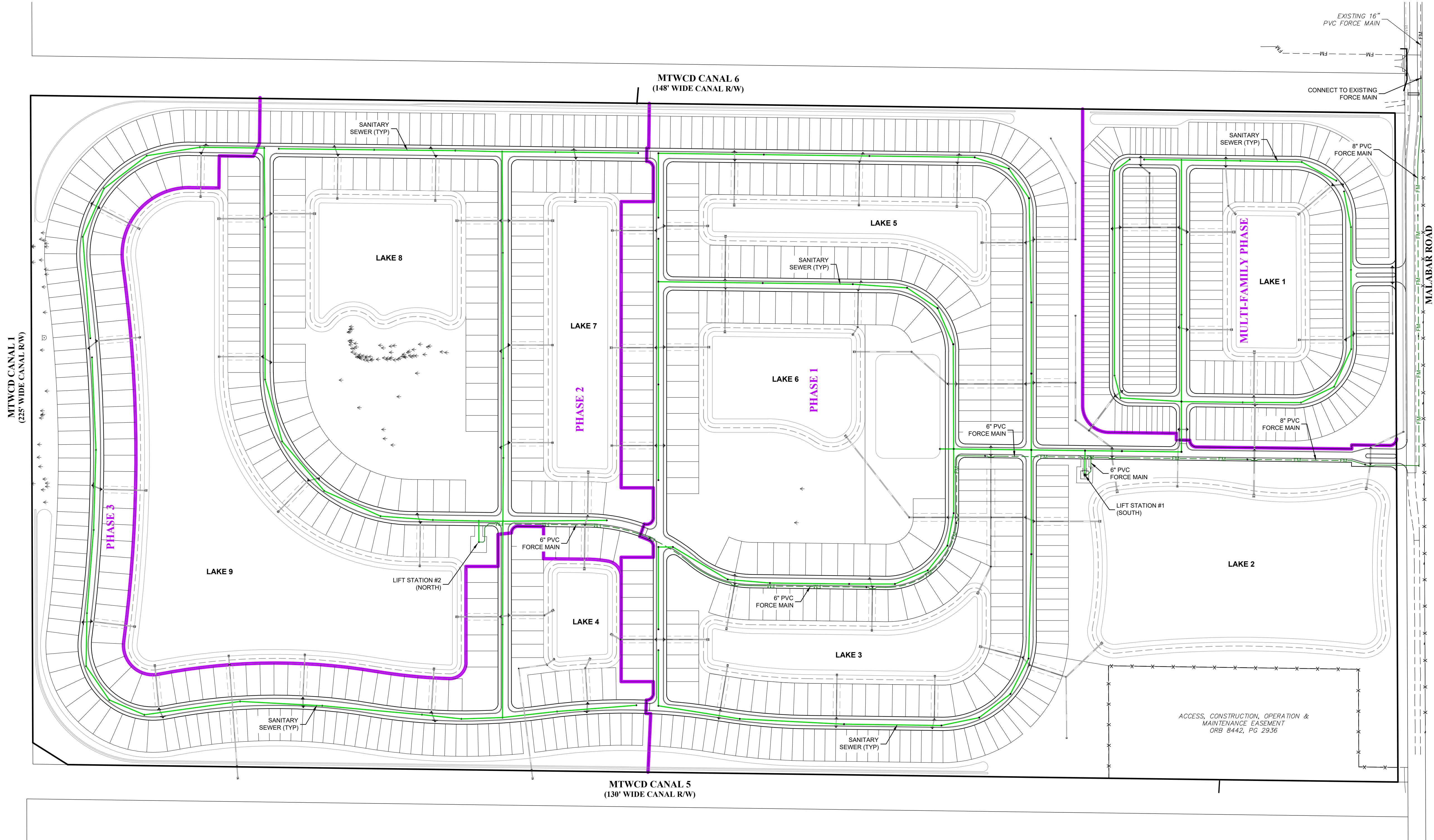
11604

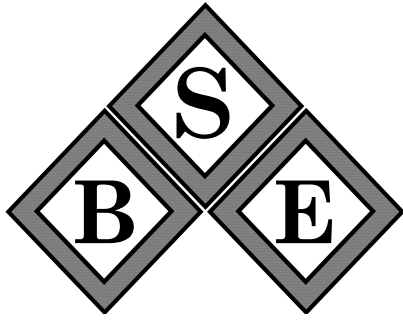
DRAWING NO.

11604_201_003

SHEET

1 of 1





APPENDIX F COST ESTIMATES

- **OFFSITE MALABAR ROAD**
- **MASS GRADING AND PHASE 1
INFRASTRUCTURE**
- **PHASE 2 INFRASTRUCTURE**
- **PHASE 3 INFRASTRUCTURE**
- **MULTI-FAMILY TRACT
INFRASTRUCTURE**

Malabar Springs Engineer's Opinion of Probable Cost Summary	
Item	Cost
Malabar Road Improvements	\$ 844,768.45
Mass Grading Improvements	\$ 5,983,953.00
Phase 1 Infrastructure Improvements	\$ 13,333,029.80
Future Phase 2 Infrastructure Improvements	\$ 3,531,608.50
Future Phase 3 Infrastructure Improvements	\$ 2,777,783.80
Future Multi-Family Tract Infrastructure Improvements	\$ 3,023,001.20
Future Amenity Infrastructure Improvements & Facility	\$ 3,250,000.00
Hardscape/Landscape/Irrigation (all Phases of Development)	\$ 1,693,155.00
Environmental Conservation/Mitigation	\$ 500,000.00
Professional Services	\$ 1,025,000.00
20% Contingency	\$ 7,192,459.95
Total Overall Cost	\$ 43,154,759.70

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST OFFSITE MALABAR ROAD IMPROVEMENTS				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - EARTHWORK, PAVING AND DRAINAGE				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
DEMOLITION	LS	1	\$ 15,000.00	\$ 15,000.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 7,500.00	\$ 7,500.00
SILT FENCE	LF	3,700	\$ 3.00	\$ 11,100.00
8" STABILIZED SUBGRADE (SHOULDER)	SY	1,247	\$ 3.75	\$ 4,676.25
12" STABILIZED SUBGRADE	SY		\$ 5.25	\$ -
10" BASE COURSE w/PRIME COAT	SY	5,237	\$ 22.00	\$ 115,214.00
3.5" TYPE SP 12.5 ASPHALTIC CONCRETE	SY	4,570	\$ 24.00	\$ 109,680.00
0.75" TYPE FC-5 OPEN GRADED FRICTION COURSE	SY	4,570	\$ 8.00	\$ 36,560.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	10,423	\$ 3.40	\$ 35,438.20
EXTEND EXISTING 84"x96" ARCH CMP	LF	24	\$ 1,000.00	\$ 24,000.00
8' x 6" CONCRETE SIDEWALK including 6" TYPE B STABILIZED SUBGRADE	LF	1,440	\$ 75.00	\$ 108,000.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	2	\$ 1,800.00	\$ 3,600.00
STRIPING and SIGNAGE	LS	1	\$ 10,000.00	\$ 10,000.00
CONSTRUCTION SURVEY	LS	1	\$ 25,000.00	\$ 25,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 1				\$ 488,268.45
PART 2 - SANITARY SEWER SYSTEM				
CONNECT TO EXISTING 8-INCH FORCE MAIN	LS	1	\$ 1,000.00	\$ 1,000.00
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	1,600	\$ 60.00	\$ 96,000.00
4" BLOW-OFF VALVE	EA	1	\$ 6,500.00	\$ 6,500.00
SUBTOTAL - PART 2				\$ 103,500.00
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
CONNECT TO EXISTING 20-INCH WATER MAIN	LS	1	\$ 10,000.00	\$ 10,000.00
12" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	30	\$ 100.00	\$ 3,000.00
16" DIP WATER MAIN, INCLUDES FITTINGS & BENDS	LF	1,400	\$ 140.00	\$ 196,000.00
12" GATE VALVE & BOX ASSEMBLY	EA	1	\$ 5,000.00	\$ 5,000.00
16" GATE VALVE & BOX ASSEMBLY	EA	1	\$ 9,100.00	\$ 9,100.00
FIRE HYDRANT AND VALVE ASSEMBLY	EA	2	\$ 7,200.00	\$ 14,400.00

Malabar Springs				
ENGINEER'S OPINION OF PROBABLE COST				
OFFSITE MALABAR ROAD IMPROVEMENTS				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
4" BLOW-OFF ASSEMBLY	EA	1	\$ 6,500.00	\$ 6,500.00
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
WATER LINE TESTING	LS	1	\$ 6,000.00	\$ 6,000.00
SUBTOTAL - PART 3				\$ 253,000.00
TOTAL - MALABAR ROAD				\$ 844,768.45

Malabar Springs				
ENGINEER'S OPINION OF PROBABLE COST				
MASS GRADING and PHASE 1 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 15,000.00	\$ 15,000.00
DEMOLITION	LS	1	\$ 12,000.00	\$ 12,000.00
SILT FENCE	LF	15,155	\$ 3.00	\$ 45,465.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 25,000.00	\$ 25,000.00
CLEARING & GRUBBING - SITE less TREE PRESERVE AREAS	AC	272.30	\$ 1,500.00	\$ 408,450.00
TREE PRESERVE AREA CLEAN-UP	AC	12.70	\$ 2,000.00	\$ 25,400.00
POND EXCAVATION (includes FILL PLACEMENT, GRADING & COMPACTION) NO SOIL COMPACTION WAS APPLIED	CY	1,210,387	\$ 4.00	\$ 4,841,548.00
FINAL GRADE - LOT AREAS	EA	317	\$ 500.00	\$ 158,500.00
SEED AND MULCH - LOT AREAS (Includes fertilizing, rolling, and watering)	AC	100.30	\$ 1,400.00	\$ 140,420.00
SEED AND MULCH - FUTURE ROAD R/W AREAS (Includes fertilizing, rolling, and watering)	AC	17.40	\$ 1,400.00	\$ 24,360.00
BAHIA SOD LAKE BANKS FROM TOB TO 2' BELOW NWL (Includes fertilizing, rolling, and watering)	SY	84,650	\$ 3.40	\$ 287,810.00
SUBTOTAL - PART 1				\$ 5,983,953.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	39,122	\$ 4.50	\$ 176,049.00
8" BASE COURSE w/PRIME COAT	SY	32,689	\$ 17.00	\$ 555,713.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	32,689	\$ 13.00	\$ 424,957.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	250	\$ 21.00	\$ 5,250.00
TYPE F CURB	LF	2,700	\$ 30.00	\$ 81,000.00
MIAMI CURB	LF	20,200	\$ 20.00	\$ 404,000.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	17,422	\$ 3.40	\$ 59,234.80
24" RCP	LF	3,072	\$ 98.00	\$ 301,056.00
30" RCP	LF	8,782	\$ 125.00	\$ 1,097,750.00
36" RCP	LF	6,752	\$ 170.00	\$ 1,147,840.00
42" RCP	LF	9,908	\$ 225.00	\$ 2,229,300.00
48" RCP	LF	2,360	\$ 265.00	\$ 625,400.00
24" MES	EA	1	\$ 7,000.00	\$ 7,000.00
30" MES	EA	22	\$ 7,500.00	\$ 165,000.00
36" MES	EA	20	\$ 8,500.00	\$ 170,000.00
42" MES	EA	17	\$ 10,000.00	\$ 170,000.00
48" MES	EA	4	\$ 12,000.00	\$ 48,000.00
TYPE 4 INLET	EA	31	\$ 10,000.00	\$ 310,000.00
TYPE 4 INLET BOTTOM ONLY w/TEMP TOP (MASS GRADING)	EA	44	\$ 8,000.00	\$ 352,000.00

Malabar Springs				
ENGINEER'S OPINION OF PROBABLE COST				
MASS GRADING and PHASE 1 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
TYPE 2 INLET	EA	6	\$ 9,000.00	\$ 54,000.00
TYPE 2 INLET BOTTOM ONLY w/TEMP TOP (MASS GRADING)	EA	1	\$ 6,500.00	\$ 6,500.00
TYPE D INLET	EA	16	\$ 10,500.00	\$ 168,000.00
JUNCTION BOX	EA	1	\$ 10,500.00	\$ 10,500.00
CONTROL STRUCTURE	EA	2	\$ 20,000.00	\$ 40,000.00
CONNECTION TO MTWCD CANAL C-5	EA	2	\$ 15,000.00	\$ 30,000.00
5' x 6" CONCRETE SIDEWALK	LF	22,890	\$ 42.00	\$ 961,380.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	18	\$ 1,800.00	\$ 32,400.00
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$200,000.00	\$ 200,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$200,000.00	\$ 200,000.00
SUBTOTAL - PART 2			\$ 10,087,329.80	
PART 3 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,316	\$ 35.00	\$ 46,060.00
8" PVC SANITARY SEWER (6'-8')	LF	2,587	\$ 50.00	\$ 129,350.00
8" PVC SANITARY SEWER (8'-10')	LF	1,725	\$ 55.00	\$ 94,875.00
8" PVC SANITARY SEWER (10'-12')	LF	1,250	\$ 65.00	\$ 81,250.00
8" PVC SANITARY SEWER (12'-14')	LF	2,634	\$ 85.00	\$ 223,890.00
8" PVC SANITARY SEWER (14'-16')	LF	670	\$ 110.00	\$ 73,700.00
8" PVC SANITARY SEWER (16'-18')	LF	201	\$ 175.00	\$ 35,175.00
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	8	\$ 5,500.00	\$ 44,000.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	8	\$ 7,000.00	\$ 56,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	6	\$ 8,250.00	\$ 49,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	9	\$ 9,750.00	\$ 87,750.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	1	\$ 12,000.00	\$ 12,000.00
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	8	\$ 14,000.00	\$ 112,000.00
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	2	\$ 16,000.00	\$ 32,000.00
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	1	\$ 18,500.00	\$ 18,500.00
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	1	\$ 20,000.00	\$ 20,000.00
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	2,200	\$ 51.00	\$ 112,200.00
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	1,140	\$ 60.00	\$ 68,400.00
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	1	\$400,000.00	\$ 400,000.00
SINGLE SERVICE LINE	EA	44	\$ 1,250.00	\$ 55,000.00
DOUBLE SERVICE LINE	EA	137	\$ 1,400.00	\$ 191,800.00
6" GATE VALVE ASSEMBLY	EA	1	\$ 2,200.00	\$ 2,200.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MASS GRADING and PHASE 1 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
8" GATE VALVE ASSEMBLY	EA	1	\$ 3,000.00	\$ 3,000.00
6" PLUG and CAP	EA	1	\$ 2,000.00	\$ 2,000.00
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 3				\$ 1,990,650.00
PART 4 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	6,680	\$ 45.00	\$ 300,600.00
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	3,220	\$ 60.00	\$ 193,200.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	1,700	\$ 150.00	\$ 255,000.00
6" GATE VALVE & BOX ASSEMBLY	EA	15	\$ 2,250.00	\$ 33,750.00
8" GATE VALVE & BOX ASSEMBLY	EA	9	\$ 3,000.00	\$ 27,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	5	\$ 4,000.00	\$ 20,000.00
FIRE HYDRANT AND VALVE ASSEMBLY	EA	14	\$ 7,200.00	\$ 100,800.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	5	\$ 4,500.00	\$ 22,500.00
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
SINGLE SERVICE CONNECTION	EA	75	\$ 1,200.00	\$ 90,000.00
DOUBLE SERVICE CONNECTION	EA	121	\$ 1,500.00	\$ 181,500.00
WATER SOURCE TO LIFT STATION	EA	1	\$ 1,200.00	\$ 1,200.00
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 4				\$ 1,255,050.00
SUBTOTAL - PARTS 2 through 4				\$ 13,333,029.80
PART 5 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$430,000.00	\$ 430,000.00
6-ft wide ASPHALT TRAIL	LF	4,300	\$ 21.00	\$ 90,300.00
ENTRANCE SIGNAGE & WALLS	LS	1	\$250,000.00	\$ 250,000.00
				\$ -
SUBTOTAL - PART 5				\$ 770,300.00
TOTAL - MASS GRADING + PHASE 1				\$ 14,103,329.80

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 2 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 15,000.00	\$ 15,000.00
FINAL GRADE - LOT AREAS	EA	159	\$ 500.00	\$ 79,500.00
<i>SUBTOTAL - PART 1</i>				\$ 102,000.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	17,467	\$ 4.50	\$ 78,601.50
8" BASE COURSE w/PRIME COAT	SY	14,456	\$ 17.00	\$ 245,752.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	14,456	\$ 13.00	\$ 187,928.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	0	\$ 21.00	\$ -
TYPE F CURB	LF	0	\$ 30.00	\$ -
MIAMI CURB	LF	10,844	\$ 20.00	\$ 216,880.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	7,230	\$ 3.40	\$ 24,582.00
24" RCP	LF	279	\$ 98.00	\$ 27,342.00
30" RCP	LF	36	\$ 125.00	\$ 4,500.00
36" RCP	LF	0	\$ 170.00	\$ -
42" RCP	LF	0	\$ 225.00	\$ -
48" RCP	LF	0	\$ 265.00	\$ -
24" MES	EA	0	\$ 7,000.00	\$ -
30" MES	EA	0	\$ 7,500.00	\$ -
36" MES	EA	0	\$ 8,500.00	\$ -
42" MES	EA	0	\$ 10,000.00	\$ -
48" MES	EA	0	\$ 12,000.00	\$ -
TYPE 4 INLET	EA	6	\$ 10,000.00	\$ 60,000.00
TYPE 4 INLET TOP (BOTTOMS PLACED WITH MASS GRADING)	EA	6	\$ 8,000.00	\$ 48,000.00
TYPE 2 INLET	EA	1	\$ 9,000.00	\$ 9,000.00
TYPE 2 INLET TOP (BOTTOM PLACED WITH MASS GRADING)	EA	1	\$ 6,500.00	\$ 6,500.00
TYPE D INLET	EA	0	\$ 10,500.00	\$ -
JUNCTION BOX	EA	0	\$ 10,500.00	\$ -

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 2 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
5' x 6" CONCRETE SIDEWALK	LF	10,844	\$ 42.00	\$ 455,448.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	8	\$ 1,800.00	\$ 14,400.00
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$ 94,000.00	\$ 94,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 94,000.00	\$ 94,000.00
SUBTOTAL - PART 1				\$ 1,621,933.50
PART 2 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,390	\$ 35.00	\$ 48,650.00
8" PVC SANITARY SEWER (6'-8')	LF	374	\$ 50.00	\$ 18,700.00
8" PVC SANITARY SEWER (8'-10')	LF	1,012	\$ 55.00	\$ 55,660.00
8" PVC SANITARY SEWER (10'-12')	LF	957	\$ 65.00	\$ 62,205.00
8" PVC SANITARY SEWER (12'-14')	LF	758	\$ 85.00	\$ 64,430.00
8" PVC SANITARY SEWER (14'-16')	LF	474	\$ 110.00	\$ 52,140.00
8" PVC SANITARY SEWER (16'-18')	LF	367	\$ 175.00	\$ 64,225.00
8" PVC SANITARY SEWER (18'-20')	LF	556	\$ 210.00	\$ 116,760.00
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	5	\$ 5,500.00	\$ 27,500.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	2	\$ 7,000.00	\$ 14,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	3	\$ 8,250.00	\$ 24,750.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	2	\$ 9,750.00	\$ 19,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	0	\$ 12,000.00	\$ -
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	3	\$ 14,000.00	\$ 42,000.00
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	2	\$ 16,000.00	\$ 32,000.00
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	2	\$ 18,500.00	\$ 37,000.00
STAN. SAN. SEWER MANHOLE (18'-20') - 5' diameter	EA	3	\$ 22,000.00	\$ 66,000.00
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	0	\$ 20,000.00	\$ -
STAN. SAN. SEWER DROP MANHOLE (18'-20') - 5' diameter	EA	1	\$ 24,000.00	\$ 24,000.00
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	650	\$ 51.00	\$ 33,150.00
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 60.00	\$ -
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	1	\$400,000.00	\$ 400,000.00
SINGLE SERVICE LINE	EA	31	\$ 1,250.00	\$ 38,750.00
DOUBLE SERVICE LINE	EA	64	\$ 1,400.00	\$ 89,600.00
6" GATE VALVE ASSEMBLY	EA	1	\$ 2,200.00	\$ 2,200.00
8" GATE VALVE ASSEMBLY	EA	0	\$ 3,000.00	\$ -
6" PLUG and CAP	EA	0	\$ 2,000.00	\$ -
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 2				\$ 1,373,220.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 2 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,501	\$ 45.00	\$ 112,545.00
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,871	\$ 60.00	\$ 172,260.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	0	\$ 150.00	\$ -
6" GATE VALVE & BOX ASSEMBLY	EA	3	\$ 2,250.00	\$ 6,750.00
8" GATE VALVE & BOX ASSEMBLY	EA	9	\$ 3,000.00	\$ 27,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	0	\$ 4,000.00	\$ -
FIRE HYDRANT AND VALVE ASSEMBLY	EA	6	\$ 7,200.00	\$ 43,200.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	2	\$ 4,500.00	\$ 9,000.00
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
SINGLE SERVICE CONNECTION	EA	35	\$ 1,200.00	\$ 42,000.00
DOUBLE SERVICE CONNECTION	EA	62	\$ 1,500.00	\$ 93,000.00
WATER SOURCE TO LIFT STATION	EA	1	\$ 1,200.00	\$ 1,200.00
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 3				\$ 536,455.00
TOTAL - PARTS 1 through 3				\$ 3,531,608.50
PART 4 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$410,000.00	\$ 410,000.00
6-ft wide ASPHALT TRAIL	LF	2,755	\$ 21.00	\$ 57,855.00
ENTRANCE SIGNAGE	LS	0		\$ -
				\$ -
SUBTOTAL - PART 4				\$ 467,855.00
TOTAL - PHASE 2				\$ 3,999,463.50

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 3 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 15,000.00	\$ 15,000.00
FINAL GRADE - LOT AREAS	EA	177	\$ 500.00	\$ 88,500.00
<i>SUBTOTAL - PART 1</i>				\$ 111,000.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	16,994	\$ 4.50	\$ 76,473.00
8" BASE COURSE w/PRIME COAT	SY	14,064	\$ 17.00	\$ 239,088.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	14,064	\$ 13.00	\$ 182,832.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	0	\$ 21.00	\$ -
TYPE F CURB	LF	0	\$ 30.00	\$ -
MIAMI CURB	LF	10,548	\$ 20.00	\$ 210,960.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	7,032	\$ 3.40	\$ 23,908.80
24" RCP	LF	117	\$ 98.00	\$ 11,466.00
30" RCP	LF	219	\$ 125.00	\$ 27,375.00
36" RCP	LF	0	\$ 170.00	\$ -
42" RCP	LF	0	\$ 225.00	\$ -
48" RCP	LF	0	\$ 265.00	\$ -
24" MES	EA	0	\$ 7,000.00	\$ -
30" MES	EA	0	\$ 7,500.00	\$ -
36" MES	EA	0	\$ 8,500.00	\$ -
42" MES	EA	0	\$ 10,000.00	\$ -
48" MES	EA	0	\$ 12,000.00	\$ -
TYPE 4 INLET	EA	2	\$ 10,000.00	\$ 20,000.00
TYPE 4 INLET TOP (BOTTOMS PLACED WITH MASS GRADING)	EA	11	\$ 8,000.00	\$ 88,000.00
TYPE 2 INLET	EA	7	\$ 9,000.00	\$ 63,000.00
TYPE 2 INLET TOP (BOTTOM PLACED WITH MASS GRADING)	EA	0	\$ 6,500.00	\$ -
TYPE D INLET	EA	0	\$ 10,500.00	\$ -
JUNCTION BOX	EA	0	\$ 10,500.00	\$ -

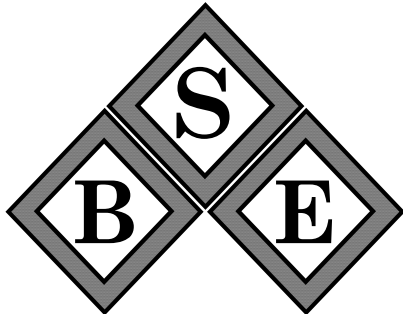
Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 3 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
5' x 6" CONCRETE SIDEWALK	LF	10,548	\$ 42.00	\$ 443,016.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	0	\$ 1,800.00	\$ -
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$ 78,000.00	\$ 78,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 78,000.00	\$ 78,000.00
SUBTOTAL - PART 1				\$ 1,597,118.80
PART 2 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,228	\$ 35.00	\$ 42,980.00
8" PVC SANITARY SEWER (6'-8')	LF	1,210	\$ 50.00	\$ 60,500.00
8" PVC SANITARY SEWER (8'-10')	LF	352	\$ 55.00	\$ 19,360.00
8" PVC SANITARY SEWER (10'-12')	LF	503	\$ 65.00	\$ 32,695.00
8" PVC SANITARY SEWER (12'-14')	LF	307	\$ 85.00	\$ 26,095.00
8" PVC SANITARY SEWER (14'-16')	LF	522	\$ 110.00	\$ 57,420.00
8" PVC SANITARY SEWER (16'-18')	LF	501	\$ 175.00	\$ 87,675.00
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	6	\$ 5,500.00	\$ 33,000.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	3	\$ 7,000.00	\$ 21,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	2	\$ 8,250.00	\$ 16,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	2	\$ 9,750.00	\$ 19,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	0	\$ 12,000.00	\$ -
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	2	\$ 14,000.00	\$ 28,000.00
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	2	\$ 16,000.00	\$ 32,000.00
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	0	\$ 18,500.00	\$ -
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	1	\$ 20,000.00	\$ 20,000.00
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 51.00	\$ -
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 60.00	\$ -
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	0	\$400,000.00	\$ -
SINGLE SERVICE LINE	EA	31	\$ 1,250.00	\$ 38,750.00
DOUBLE SERVICE LINE	EA	73	\$ 1,400.00	\$ 102,200.00
6" GATE VALVE ASSEMBLY	EA	0	\$ 2,200.00	\$ -
8" GATE VALVE ASSEMBLY	EA	0	\$ 3,000.00	\$ -
6" PLUG and CAP	EA	0	\$ 2,000.00	\$ -
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 2				\$ 677,675.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 3 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,228	\$ 45.00	\$ 100,260.00
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,893	\$ 60.00	\$ 173,580.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	0	\$ 150.00	\$ -
6" GATE VALVE & BOX ASSEMBLY	EA	3	\$ 2,250.00	\$ 6,750.00
8" GATE VALVE & BOX ASSEMBLY	EA	3	\$ 3,000.00	\$ 9,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	0	\$ 4,000.00	\$ -
FIRE HYDRANT AND VALVE ASSEMBLY	EA	5	\$ 7,200.00	\$ 36,000.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	0	\$ 4,500.00	\$ -
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
SINGLE SERVICE CONNECTION	EA	31	\$ 1,200.00	\$ 37,200.00
DOUBLE SERVICE CONNECTION	EA	73	\$ 1,500.00	\$ 109,500.00
WATER SOURCE TO LIFT STATION	EA	1	\$ 1,200.00	\$ 1,200.00
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 3				\$ 502,990.00
SUBTOTAL - PARTS 1 through 3				\$ 2,777,783.80
PART 4 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$205,000.00	\$ 205,000.00
6-ft wide ASPHALT TRAIL	LF	0	\$ 21.00	\$ -
ENTRANCE SIGNAGE	LS	0		\$ -
				\$ -
SUBTOTAL - PART 4				\$ 205,000.00
TOTAL - PHASE 3				\$ 2,982,783.80

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MULTI-FAMILY TRACT INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 15,000.00	\$ 15,000.00
FINAL GRADE - LOT AREAS	EA	79	\$ 500.00	\$ 39,500.00
<i>SUBTOTAL - PART 1</i>				\$ 62,000.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	14,870	\$ 4.50	\$ 66,915.00
8" BASE COURSE w/PRIME COAT	SY	12,307	\$ 17.00	\$ 209,219.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	12,307	\$ 13.00	\$ 159,991.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	300	\$ 21.00	\$ 6,300.00
TYPE F CURB	LF	350	\$ 30.00	\$ 10,500.00
MIAMI CURB	LF	8,800	\$ 20.00	\$ 176,000.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	6,153	\$ 3.40	\$ 20,920.20
24" RCP	LF	412	\$ 98.00	\$ 40,376.00
30" RCP	LF	291	\$ 125.00	\$ 36,375.00
36" RCP	LF	361	\$ 170.00	\$ 61,370.00
42" RCP	LF	35	\$ 225.00	\$ 7,875.00
48" RCP	LF	277	\$ 265.00	\$ 73,405.00
24" MES	EA	0	\$ 7,000.00	\$ -
30" MES	EA	0	\$ 7,500.00	\$ -
36" MES	EA	0	\$ 8,500.00	\$ -
42" MES	EA	0	\$ 10,000.00	\$ -
48" MES	EA	0	\$ 12,000.00	\$ -
TYPE 4 INLET	EA	9	\$ 10,000.00	\$ 90,000.00
TYPE 4 INLET TOP (BOTTOMS PLACED WITH MASS GRADING)	EA	6	\$ 8,000.00	\$ 48,000.00
TYPE 2 INLET	EA	3	\$ 9,000.00	\$ 27,000.00
TYPE 2 INLET TOP (BOTTOM PLACED WITH MASS GRADING)	EA	0	\$ 6,500.00	\$ -
TYPE D INLET	EA	3	\$ 10,500.00	\$ 31,500.00
JUNCTION BOX	EA	0	\$ 10,500.00	\$ -

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MULTI-FAMILY TRACT INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
5' x 6" CONCRETE SIDEWALK	LF	8,800	\$ 42.00	\$ 369,600.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	10	\$ 1,800.00	\$ 18,000.00
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$ 85,000.00	\$ 85,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 85,000.00	\$ 85,000.00
SUBTOTAL - PART 1			\$ -	\$ 1,678,346.20
PART 2 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,019	\$ 35.00	\$ 35,665.00
8" PVC SANITARY SEWER (6'-8')	LF	1,259	\$ 50.00	\$ 62,950.00
8" PVC SANITARY SEWER (8'-10')	LF	1,076	\$ 55.00	\$ 59,180.00
8" PVC SANITARY SEWER (10'-12')	LF	744	\$ 65.00	\$ 48,360.00
8" PVC SANITARY SEWER (12'-14')	LF	0	\$ 85.00	\$ -
8" PVC SANITARY SEWER (14'-16')	LF	0	\$ 110.00	\$ -
8" PVC SANITARY SEWER (16'-18')	LF	0	\$ 175.00	\$ -
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	5	\$ 5,500.00	\$ 27,500.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	6	\$ 7,000.00	\$ 42,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	5	\$ 8,250.00	\$ 41,250.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	3	\$ 9,750.00	\$ 29,250.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	0	\$ 12,000.00	\$ -
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	0	\$ 14,000.00	\$ -
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	0	\$ 16,000.00	\$ -
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	0	\$ 18,500.00	\$ -
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	0	\$ 20,000.00	\$ -
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 51.00	\$ -
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 60.00	\$ -
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	0	\$ 400,000.00	\$ -
SINGLE SERVICE LINE	EA	230	\$ 1,250.00	\$ 287,500.00
DOUBLE SERVICE LINE	EA	0	\$ 1,400.00	\$ -
6" GATE VALVE ASSEMBLY	EA	0	\$ 2,200.00	\$ -
8" GATE VALVE ASSEMBLY	EA	0	\$ 3,000.00	\$ -
6" PLUG and CAP	EA	0	\$ 2,000.00	\$ -
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 2			\$	673,655.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MULTI-FAMILY TRACT INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	0	\$ 45.00	\$ -
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	4,000	\$ 60.00	\$ 240,000.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	400	\$ 150.00	\$ 60,000.00
6" GATE VALVE & BOX ASSEMBLY	EA	0	\$ 2,250.00	\$ -
8" GATE VALVE & BOX ASSEMBLY	EA	7	\$ 3,000.00	\$ 21,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	1	\$ 4,000.00	\$ 4,000.00
FIRE HYDRANT AND VALVE ASSEMBLY	EA	5	\$ 7,200.00	\$ 36,000.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	0	\$ 4,500.00	\$ -
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	2	\$ 4,500.00	\$ 9,000.00
SINGLE SERVICE CONNECTION	EA	230	\$ 1,200.00	\$ 276,000.00
DOUBLE SERVICE CONNECTION	EA	0	\$ 1,500.00	\$ -
WATER SOURCE TO LIFT STATION	EA	0	\$ 1,200.00	\$ -
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 3				\$ 671,000.00
SUBTOTAL - PARTS 1 through 3				\$ 3,023,001.20
PART 4 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$ 200,000.00	\$ 200,000.00
6-ft wide ASPHALT TRAIL	LF	0	\$ 21.00	\$ -
ENTRANCE SIGNAGE	LS	1	\$ 50,000.00	\$ 50,000.00
				\$ -
SUBTOTAL - PART 4				\$ 250,000.00
TOTAL - MULTI-FAMILY TRACT				\$ 3,273,001.20



APPENDIX G
PROPOSED TIMETABLE FOR CONSTRUCTION OF DISTRICT SERVICES

Malabar Springs	
ESTIMATED TIMETABLE FOR CONSTRUCTION	
PHASE OF DEVELOPMENT	Fiscal Year
Malabar Road and Phase 1 Mass Grading	2023
Phase 1 Infrastructure	2023
Multi-Family Tract Infrastructure	2024
Phase 2 Infrastructure	2025
Amenity Infrastructure	2025
Phase 3 Infrastructure	2026

MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT

Master Special Assessment Methodology Report

December 14, 2022



Provided by:

Wrathell, Hunt and Associates, LLC

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: www.whhassociates.com

Table of Contents

1.0	Introduction	
1.1	Purpose	1
1.2	Scope of the Report	1
1.3	Special Benefits and General Benefits	1
1.4	Organization of the Report	2
2.0	Development Program	
2.1	Overview	2
2.2	The Development Program	2
3.0	The Capital Improvement Plan	
3.1	Overview	3
3.2	The CIP	3
4.0	Financing Program	
4.1	Overview	3
4.2	Types of Bonds Proposed	4
5.0	Assessment Methodology	
5.1	Overview	5
5.2	Benefit Allocation	5
5.3	Assigning Debt	6
5.4	Lienability Test: Special and Peculiar Benefit to the Property	7
5.5	Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay	8
5.6	True-Up Mechanism	8
5.7	Assessment Roll	10
5.8	Additional Items Regarding Bond Assessment Imposition and Allocation	10
6.0	Additional Stipulations	
6.1	Overview	11
7.0	Appendix	
	Table 1	13
	Table 2	13
	Table 3	14
	Table 4	14
	Table 5	15

1.0 Introduction

1.1 Purpose

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

1.2 Scope of the Report

This Report presents the projections for financing the District's Capital Improvement Plan described in the Engineer's Report developed by B.S.E. Consultants, Inc. (the "District Engineer") and dated December 2022 (the "Engineer's Report"), as well as describes the method for the allocation of special benefits and the apportionment of special assessment debt resulting from the provision and funding of the CIP.

1.3 Special Benefits and General Benefits

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

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

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

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

1.4 Organization of the Report

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

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

Section Four discusses the financing program for the District.

Section Five introduces the special assessment methodology for the District.

2.0 Development Program

2.1 Overview

The District will serve the Malabar Springs development, a master planned residential development located in the City of Palm Bay, Brevard County, Florida. The land within the District consists of approximately 283.37 +/- acres and is generally located on the north side of Malabar Road, west of St. Johns Heritage Parkway (SJHP), immediately west of Heritage high school and between the Melbourne-Tillman Water Control District (MTWCD) C-5 and C-6 Canals.

2.2 The Development Program

The development of Malabar Springs is anticipated to be conducted by CRE-KL Malabar Owner, LLC or an affiliated entity (the "Developer"). Based upon the information provided by the Developer and the District Engineer, the current development plan envisions a total of 885 residential dwelling units developed over a multi-year period in one or more development phases, although unit numbers, land use types and phasing may change throughout the development period. Table 1 in the *Appendix* illustrates the development plan for Malabar Springs.

3.0 The Capital Improvement Plan

3.1 Overview

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

3.2 The CIP

The public infrastructure improvements which are part of the CIP and are needed to serve the Development are projected to consist of improvements which will serve all of the lands in the District. The District, however, reserves the right to create distinct assessment areas to coincide with the phases of development. The CIP will consist of Malabar Road improvements, mass grading improvements, Phase 1 infrastructure improvements, Phase 2 infrastructure improvements, Phase 3 infrastructure improvements, multi-family tract infrastructure improvements, amenity infrastructure improvements & facility, hardscape/ landscape/ irrigation (all phases of Development), and environmental conservation/ mitigation, the costs of which, along with contingencies and professional services, were estimated by the District Engineer at \$43,154,759.70.

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

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

4.0 Financing Program

4.1 Overview

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

Developer, although the District maintains the complete flexibility to either acquire the public infrastructure from the Developer or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include multiple series of bonds, it is likely that in order to fully fund costs of the CIP as described in *Section 3.2* in one financing transaction, the District would have to issue approximately \$59,370,000 in par amount of special assessment bonds (the "Bonds").

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

4.2 Types of Bonds Proposed

The proposed financing plan for the District provides for the issuance of the Bonds in the approximate principal amount of \$59,370,000 to finance approximately \$43,154,759.70 in CIP costs. The Bonds as projected under this financing plan would be structured to be amortized in 30 annual installments following a 24-month capitalized interest period. Interest payments on the Bonds would be made every May 1 and November 1, and principal payments on the Bonds would be made either on May 1 or on November 1.

In order to finance the improvement and other costs, the District would need to borrow more funds and incur indebtedness in the total amount of approximately \$59,370,000. The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and costs of issuance. Preliminary sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

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

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the District with funds necessary to construct/acquire the infrastructure improvements which are part of the CIP outlined in *Section 3.2* and described in more detail by the District Engineer in the Engineer's Report. These improvements lead to special and general benefits, with special benefits accruing to the assessable properties within the boundaries of the District and general benefits accruing to areas outside the District but being only incidental in nature. The debt incurred in financing the public infrastructure will be secured by assessing properties that derive special and peculiar benefits from the CIP. All properties that receive special benefits from the CIP will be assessed for their fair share of the debt issued in order to finance all or a portion of the CIP.

5.2 Benefit Allocation

The most current development plan envisions the development of 885 residential dwelling units, although, unit numbers and land use types may change throughout the development period.

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

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

As stated previously, the public infrastructure improvements included in the CIP have a logical connection to the special and peculiar benefits received by the land within the District, as without such improvements, the development of the properties within the District would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to the land within the District, the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem assessments, to the land receiving such special and peculiar

benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is more valuable than the cost of, or the actual non-ad valorem assessment amount levied on that parcel.

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

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

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

5.3 Assigning Debt

The Bond Assessments associated with repayment of the Bonds will initially be levied on all of the gross acres of land in the District. Consequently, the Bond Assessments will initially be levied on approximately 283.37 +/- gross acres on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$59,370,000 will be preliminarily levied on approximately 283.37 +/- gross acres at a rate of \$209,514.06 per acre.

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

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

5.4 Lienability Test: Special and Peculiar Benefit to the Property

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

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

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

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

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

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

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

5.6 True-Up Mechanism

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

- a. If a Proposed Plat results in the same amount of ERUs (and thus Debt Assessments) able to be imposed on the "Remaining Unplatted Lands" (i.e., those remaining unplatted lands after the Proposed Plat is recorded) as compared to what was originally contemplated under the Development Plan, then the District shall allocate the Debt Assessments to the product types being platted and the remaining property in accordance with this Report, and cause the Debt Assessments to be recorded in the District's Improvement Lien Book.
- b. If a Proposed Plat results in a greater amount of ERUs (and thus Debt Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District may undertake a pro rata reduction of Debt Assessments for all assessed properties within the Property, or may otherwise address such net decrease as permitted by law.
- c. If a Proposed Plat results in a lower amount of ERUs (and thus Debt Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District shall require the landowner(s) of the lands encompassed by the Proposed Plat to pay

a “True-Up Payment” equal to the difference between: (i) the Debt Assessments originally contemplated to be imposed on the lands subject to the Proposed Plat, and (ii) the Debt Assessments able to be imposed on the lands subject to the Proposed Plat, after the Proposed Plat (plus applicable interest, collection costs, penalties, etc.).¹

With respect to the foregoing true-up analysis, the District’s Assessment Consultant, in consultation with the District Engineer, District Counsel and District Bond Counsel, shall determine in his or her sole discretion what amount of ERUs (and thus Debt Assessments) are able to be imposed on the Remaining Unplatted Lands, taking into account a Proposed Plat, by reviewing: a) the original, overall development plan showing the number and type of units reasonably planned for the development, b) the revised, overall development plan showing the number and type of units reasonably planned for the development, c) proof of the amount of entitlements for the Remaining Unplatted Lands, d) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and e) documentation that shows the feasibility of implementing the proposed development plan. Prior to any decision by the District not to impose a true-up payment, a supplemental methodology shall be produced demonstrating that there will be sufficient assessments to pay debt service on the applicable series of bonds and the District will conduct new proceedings under Chapters 170, 190 and 197, Florida Statutes upon the advice of District Counsel.

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

¹ For example, if the first platting includes 126 Townhomes, 106 Villas, 212 Single Family 40’ lots, 302 Single Family 50’ lots, and 119 Single Family 60’ lots, which equates to a total allocation of \$57,835,098.24 in Bond Assessments, then the remaining unplatted land would be required to absorb 20 Single Family 50’ lots, which equates to \$1,534,901.76 in Bond Assessments. If the remaining unplatted land would only be able to absorb 10 instead of 20 Single Family 50’ lots or \$767,450.88 in Bond Assessments, then a true-up, payable by the owner of the unplatted land, would be due in the amount of \$767,450.88 in Bond Assessments plus applicable accrued interest to the extent described in this Section.

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

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

5.7 Assessment Roll

The Bond Assessments of \$59,370,000 are proposed to be levied over the area described in Exhibit "A". Excluding any capitalized interest period, debt service assessments shall be paid in thirty (30) annual principal installments.

5.8 Additional Items Regarding Bond Assessment Imposition and Allocation

This master assessment allocation methodology is intended to establish the necessary benefit and fair and reasonable allocation findings for a master assessment lien, which may give rise to one or more individual assessment liens relating to individual bond issuances necessary to fund all or a portion of the project(s) referenced herein comprising the CIP. All such liens shall be within the benefit limits established herein and using the allocation methodology described herein, and shall be described in one or more supplemental reports.

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

As set forth in any supplemental report, and for any particular bond issuance, the Developer may opt to "buy down" the Bond

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

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

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

6.0 Additional Stipulations

6.1 Overview

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

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

7.0 Appendix

Table 1

Malabar Springs Community Development District

Development Plan

Product Type	Total Number of Units
Townhome	126
Villa	106
SF 40'	212
SF 50'	322
SF 60'	119
Total	885

Table 2

Malabar Springs Community Development District

Project Costs

Improvement	Total Costs
Malabar Road Improvements	\$844,768.45
Mass Grading Improvements	\$5,983,953.00
Phase 1 Infrastructure Improvements	\$10,087,329.80
Utilities (Water & Sewer)	\$3,245,700.00
Phase 2 Infrastructure Improvements	\$1,621,933.50
Utilities (Water & Sewer)	\$1,909,675.00
Phase 3 Infrastructure Improvements	\$1,597,118.80
Utilities (Water & Sewer)	\$1,180,665.00
Multi-Family Tract Infrastructure Improvements	\$1,678,346.20
Utilities (Water & Sewer)	\$1,344,655.00
Amenity Infrastructure Improvements & Facility	\$3,250,000.00
Hardscape/ Landscape/ Irrigation (all Phases of Development)	\$1,693,155.00
Environmental Conservation/ Mitigation	\$500,000.00
Professional Services	\$1,025,000.00
20% Contingency	\$7,192,459.95
Total	\$43,154,759.70

Table 3

Malabar Springs

Community Development District

Preliminary Sources and Uses of Funds

Sources

Bond Proceeds:	
Par Amount	\$59,370,000.00
Total Sources	\$59,370,000.00

Uses

Project Fund Deposits:	
Project Fund	\$43,154,759.70
Other Fund Deposits:	
Debt Service Reserve Fund	\$5,273,684.72
Capitalized Interest Fund	\$9,499,200.00
Delivery Date Expenses:	
Costs of Issuance	\$1,437,400.00
Rounding	\$4,955.58
Total Uses	\$59,370,000.00

Table 4

Malabar Springs

Community Development District

Benefit Allocation

Product Type	Total Number of Units	ERU Weight	Total ERU
Townhome	126	0.60	75.60
Villa	106	0.60	63.60
SF 40'	212	0.80	169.60
SF 50'	322	1.00	322.00
SF 60'	119	1.20	142.80
Total	885		773.60

Table 5

Malabar Springs

Community Development District

Bond Assessments Apportionment

Product Type	Total Number of Units	Total Cost Allocation*	Total Bond Assessments Apportionment	Bond Assessments Apportionment per Unit	Annual Debt Service Payment per Unit**
Townhome	126	\$4,217,295.54	\$5,801,928.65	\$46,047.05	\$4,351.32
Villa	106	\$3,547,883.55	\$4,880,987.59	\$46,047.05	\$4,351.32
SF 40'	212	\$9,461,022.81	\$13,015,966.91	\$61,396.07	\$5,801.76
SF 50'	322	\$17,962,555.10	\$24,711,918.30	\$76,745.09	\$7,252.20
SF 60'	119	\$7,966,002.70	\$10,959,198.55	\$92,094.11	\$8,702.64
Total	885	\$43,154,759.70	\$59,370,000.00		

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

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

Exhibit “A”

Bond Assessments in the total estimated amount of \$ 59,370,000 are proposed to be levied uniformly over the area described below:

DESCRIPTION FOR CDD:

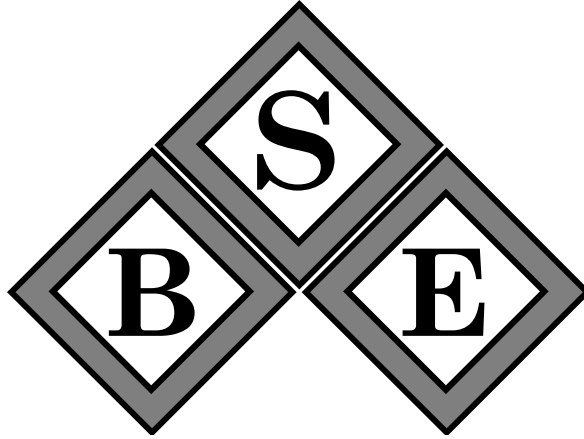
PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5098.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

5C



MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT

ENGINEERING REPORT

SUBMITTED TO:

Malabar Springs Community Development District
c/o
Wrathell Hunt & Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

PREPARED BY:

B.S.E. Consultants, Inc.
312 South Harbor City Boulevard, Suite 4
Melbourne, FL 32901

December 2022
B.S.E. File #11604.100

**MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT
ENGINEERING REPORT
Table of Contents**

REPORT

Executive Summary.....	Page 1
District Location and Limits	Page 3
Proposed District Facilities	Page 3
Permitting.....	Page 7
Estimated Project Costs	Page 8
Proposed Timetable for Construction of District Services	Page 9
Conclusions and Recommendations	Page 9

APPENDICIES

Legal Sketch and Description.....	Appendix A
Overall Project and Phasing Exhibit.....	Appendix B
Malabar Road Improvements Exhibit.....	Appendix C
Mass Grading and Phase 1 Infrastructure Exhibits	Appendix D
Phases 2, 3 and Multi-Family Infrastructure Exhibits	Appendix E
Cost Estimates	Appendix F
Proposed Timetable for Construction of District Services	Appendix G

EXECUTIVE SUMMARY

The Malabar Springs Community Development District (the District) is pursuant to Chapter 190 Florida Statutes authorized to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain certain systems, facilities and basic infrastructure benefiting lands within the District. In accordance with this authority, the District has identified facilities, systems and basic infrastructure authorized by Chapter 190 required to provide service based on the anticipated land uses in the District. The District has requested an Engineering Report be prepared by the District Engineer to identify certain required facilities, service locations, and projected costs associated with those improvements.

The District's "Capital Improvement Plan" (or "CIP" a/k/a "Project") consists of both on and offsite public infrastructure improvements for Phase 1, 2, and 3, and for the multi-family development tract. The Project also includes off-site water main and force main improvements on Malabar Road, all as described below.

- **Malabar Road Offsite Improvements:**
 - Roadway Improvements – construct a 2-lane roadway section, per Brevard County criteria, along with associated drainage, striping, and signage starting approximately at the westernmost high school driveway and extending west $\pm 1,590$ LF to just beyond the Project entrance.
 - Utility Improvements – connection to the existing 20-inch water main and existing 16-inch force main on Malabar Road at the southwest corner of the existing Heritage high school site extending a 16-inch water main and 8-inch force main to the Project entrance.
- **Mass Grading:** Onsite mass grading earthwork and associated drainage improvements to serve the Project.
- **Phase 1:** Drainage and utility improvements to support the first phase (± 317 residential lots).
- **Phase 2:** Drainage and utility improvements to support the second phase (± 159 residential lots).
- **Phase 3:** Drainage and utility improvements to support the third phase (± 177 residential lots).
- **Multi-Family Tract:** Drainage and utility improvements to support the multi-family phase (± 232 units).
- **Amenity Center:** Anticipated 5,000 sf amenity center with recreational facilities and supporting drainage and utility infrastructure improvements to support its development.

The total cost for the Project is estimated to be \$43,154,759.70 and will provide special benefit to the assessable lands within the District, indicated within the attached Exhibits.

This report describes facilities and costs only for the following:

- Malabar Road Offsite improvements – roadway, drainage, and utilities
- Mass Grading – onsite earthwork and drainage improvements
- Phase 1 – onsite paving, drainage, and utility improvements
- Phase 2 – onsite paving, drainage, and utility improvements
- Phase 3 – onsite paving, drainage, and utility improvements
- Multi-Family Tract – onsite paving, drainage, and utility improvements
- Amenity – onsite paving, drainage, and utility improvements

The District and the City of Palm Bay will provide services to the lands within the District. Some facilities constructed or acquired by the District, such as potable water, wastewater facilities, and Malabar Road improvements, will be transferred to local government for ownership, operation, and maintenance. Other facilities, such as Project interior road rights-of-way, stormwater management facilities, landscape, and hardscape improvements will be owned and/or maintained by the District. All public infrastructure that will be financed by the District will be on land owned by the District or subject to a permanent easement dedicated to the District.

The Project is intended to provide public infrastructure improvements for the entire development, which is planned for the following product types:

Product Types

Product Type	Total Units
Townhomes (multi-family)	126
Villas (multi-family)	106
40-foot wide single-family	212
50-foot wide single-family	322
60-foot wide single-family	119
TOTAL	885

DISTRICT LOCATION AND LIMITS

The District is located within the corporate limits of the City of Palm Bay, Florida. The District currently encompasses approximately 283.37 acres of land and, more specifically, the following areas:

- Malabar Springs is located on the north side of Malabar Road, west of St. Johns Heritage Parkway (SJHP), immediately west of Heritage high school and between the Melbourne-Tillman Water Control District (MTWCD) C-5 and C-6 Canals. The District's boundary excludes the adjacent Melbourne-Tilman Water Control District easement parcel (± 9.2 acres) at the southwest corner of the project, and a Malabar Road right-of-way dedication along the southern edge of the property.

Refer to Appendix A for the sketch and legal description of current District boundaries.

PROPOSED DISTRICT FACILITIES

I. Stormwater Management Facilities

1. **Existing Facilities** – The District lands have historically been utilized for agricultural purposes, including intermittent sod and cattle pasture, over the past 30-40 years. The land is traversed by a series of minor agricultural drainage ditches. These ditches have effectively provided adequate drainage for the ongoing agricultural operations.
2. **Proposed Facilities** – Stormwater management facilities are designed in accordance with criteria established by the City of Palm Bay, Melbourne-Tillman Water Control District (MTWCD) and the St. Johns River Water Management District (SJRWMD). These criteria include requirements to provide flood protection, water quality treatment, and discharge attenuation so that stormwater discharge from the site in the post-development condition does not exceed pre-development values.

Proposed facilities will include stormwater ponds and interconnecting pipes and discharge control structures. Drainage inlets, curb and gutter, swales, pipes, and soil stabilization methods will also be constructed to insure the system functions in accordance with applicable governmental agency requirements. Refer to Appendices B, C, D and E for exhibits of these improvements. The District will own and maintain the stormwater management and drainage facilities.

The stormwater management facilities financed by the District will not include (1) transportation to or use of fill from the stormwater ponds on private land, or (2) earthwork or grading on private land.

II. Utilities

1. **Existing Facilities** – The City of Palm Bay owns and operates a 20-inch water main and a 16-inch force main along Malabar Road terminating at Heritage high school's southwest corner.
2. **Proposed Facilities** – Off-site utility improvements are required to provide potable water and wastewater service to the District. This includes 16-inch water main and 8-inch force main extensions from the southwest corner of Heritage high school to the Project entrance. Refer to the Malabar Road improvements exhibit.

The Project facilities will include onsite interconnected potable water mains, onsite gravity sanitary sewer system including two (2) lift stations and associated force main piping, offsite water main and force main extensions to connect to the existing utilities along Malabar Road. Refer to Appendices B, C, D and E for exhibits of these improvements. No lateral utility service lines on private property will be financed by the District.

Potable water mains are designed in accordance with the City of Palm Bay Utility Department criteria having a design flow of 225 gpm per ERC (Equivalent Residential Connection) with a peaking factor of 1.5. The potable water system will be designed to provide fire flows of 1,000 gpm plus peak potable water demand with a minimum pressure of 20 psi and a maximum flow velocity of 10 ft/sec.

Sanitary sewer force mains are designed in accordance with the City of Palm Bay Utility Department criteria having a design flow of 210 gpm per ERC (Equivalent Residential Connection) with a peak factor (3.5) calculated using the Ten States Standards formula, based on population. The minimum design velocity within the force main flow is 2 ft/sec.

This report assesses facilities and costs for the onsite utility improvements and the offsite potable water main and sanitary sewer force main extensions from their current termination points at the southwest corner of Heritage high school.

The potable water and sanitary sewer systems will be constructed and/or acquired by the District and then dedicated to the City of Palm Bay Utility Department for ownership, operation and maintenance.

III. Roadway Improvements:

The CIP includes subdivision roads within the District. Generally, all roads will be 2-lane un-divided roads with periodic roundabouts. Such roads include the roadway asphalt, base, and subgrade, roadway curb and gutter, striping and signage and sidewalks within rights-of-way abutting non-lot lands. Sidewalks abutting lots will be constructed by the homebuilders. All roads will be designed in accordance with County standards.

All internal roadways may be financed by the District. Collector roads are intended to be dedicated to the City for ownership, operation, and maintenance, while the District anticipates owning and operating all other roads. Alternatively, the developer may elect to finance the internal roads, gate them, and turn them over to a homeowner's association for ownership, operation and maintenance (in such an event, the District would be limited to financing only utilities, conservation/mitigation and stormwater improvements behind such gated areas).

IV. Hardscape, Landscape, and Irrigation:

The District will construct and/or install landscaping, irrigation and hardscaping within District common areas and public rights-of-way. The City has distinct design criteria requirements for planting and irrigation design. This Project will at a minimum meet those requirements and in most cases will exceed the requirements with enhancements for the benefit of the community.

All such landscaping, irrigation and hardscaping will be owned, maintained and funded by the District. Such infrastructure, to the extent that it is located in rights-of-way owned by the City will be maintained pursuant to a right-of-way agreement to be entered into with the City. Any landscaping, irrigation or hardscaping systems behind hard-gated roads, if any, would not be financed by the District and instead would be privately installed and maintained.

V. Streetlights / Undergrounding of Electrical Utility Lines

The District intends to lease street lights through an agreement with a local utility provider and will fund the street lights through an annual operations and maintenance assessment. As such, streetlights are not included as part of the CIP.

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

VI. Recreational Amenities:

As part of the overall development, the District intends to construct a clubhouse and other amenity facilities which will be available for use by the general public. Alternatively, the Developer may privately fund such facilities and, upon completion, transfer them to a homeowners' association for ownership, operation and maintenance. In such event, the amenities would be considered common elements for the exclusive benefit of the District landowners.

VII. Environmental Conservation/Mitigation

The District will provide onsite preservation areas associated with the construction of the development. The District will be responsible for the design, permitting, construction, maintenance, and government reporting of the preservation. These costs are included within the CIP.

VIII. Professional Services

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

IX. Off-Site Improvements

Offsite improvements include those along Malabar Road:

- Roadway Improvements – construct a 2-lane roadway section, per Brevard County criteria, along with associated drainage, striping, and signage starting approximately at the westernmost high school driveway and extending west $\pm 1,590$ LF to just beyond the Project entrance.
- Utility Improvements – connection to the existing 20-inch water main and existing 16-inch force main on Malabar Road at the southwest corner of the existing Heritage high school site extending a 16-inch water main and 8-inch force main to the Project entrance.

NOTE: In the event that impact fee credits are generated from any roadway, utilities or other improvements funded by the District, any such credits, if any, will be the subject of a separate agreement between the applicable developer and the District.

PERMITTING

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

City of Palm Bay

- Rezoning/Preliminary Planned Development (PUD) – approved by Council 10-07-21
- Final Development Plan (FDP) – approved by Council 11-17-22
- Subdivision Construction Plans – currently under review

Brevard County

- Roadway Concurrency application – currently under review
- Right-of-Way Use permit (Malabar Road) – to be submitted once Traffic Study is complete; anticipated December 2022

St. Johns River Water Management District (SJRWMD)

- ERP application submitted, currently under review

Melbourne Tilman Water Control District (MTWCD)

- Application submitted, currently under review

Florida Department of Environmental Protection (FDEP)

- Potable Water – application under review for signature at City, once signed will be submitted to FDEP
- Sanitary Sewer – application under review for signature at City, once signed will be submitted to FDEP
- NDPES – to be submitted as the project is closer to construction

Federal Emergency Management Agency (FEMA)

- CLOMR-F – application to be submitted to City for review/signature then forwarded to FEMA
- LOMR-F – application to be submitted after the mass grading has been completed and plat recorded

ESTIMATED PROJECT COSTS

A detailed opinion of probable construction costs for the Project including offsite utility and roadway improvements are provided in Appendix F with a summary provided in the table below. The total estimated cost is \$43,154,759.70. The estimate is based on current cost levels with no allowances for inflation or escalation over time.

Table 1
Opinion of Probable Construction Costs with Funding and O+M Summary

Item	Cost	Funded By	Owned By	Maintained By
Malabar Road Improvements	\$ 844,768.45	CDD	County and City	County and City
Mass Grading Improvements	\$ 5,983,953.00	CDD	CDD	CDD
Phase 1 Infrastructure Improvements	\$ 10,087,329.80	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 3,245,700.00	CDD	City	City
Phase 2 Infrastructure Improvements	\$ 1,621,933.50	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 1,909,675.00	CDD	City	City
Phase 3 Infrastructure Improvements	\$ 1,597,118.80	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 1,180,665.00	CDD	City	City
Multi-Family Tract Infrastructure Improvements	\$ 1,678,346.20	CDD	CDD	CDD
Utilities (Water and Sewer)	\$ 1,344,655.00	CDD	City	City
Amenity Infrastructure Improvements & Facility	\$ 3,250,000.00	CDD	CDD	CDD
Hardscape/Landscape/Irrigation (all Phases of Development)	\$ 1,693,155.00	CDD	CDD	CDD
Environmental Conservation/Mitigation	\$ 500,000.00	CDD	CDD	CDD
Professional Services	\$ 1,025,000.00	CDD	CDD	CDD
20% Contingency	\$ 7,192,459.95	CDD	CDD	CDD
Total Overall Cost	\$ 43,154,759.70			

- a. The probable costs estimated herein do not include anticipated carrying cost, interest reserves or other anticipated CDD expenditures that may be incurred.
- b. The developer reserves the right to finance any of the improvements outlined above, and have such improvements owned and maintained by a property owner's or homeowner's association, in which case such items would not be part of the CIP.
- c. The District may enter into an agreement with a third-party, or an applicable property owner's or homeowner's association, to maintain any District-owned improvements, subject to the approval of the District's bond counsel.

PROPOSED TIMETABLE FOR CONSTRUCTION OF DISTRICT SERVICES

District improvements are anticipated to be completed within approximately 4 years. Refer to Appendix G for the proposed timetable for construction of District services.

CONCLUSIONS AND RECOMMENDATIONS

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

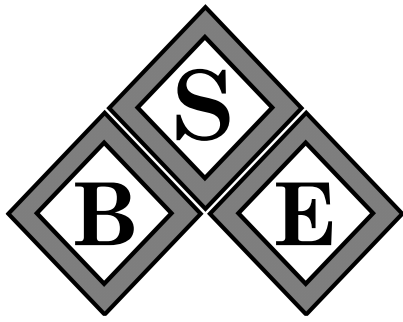
It is further our opinion that:

- the estimated cost to the CIP as set forth herein is reasonable based on prices currently being experienced in the jurisdiction in which the District is located, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- All of the improvements comprising the CIP are required by applicable development approvals issued pursuant to Section 380.06, Florida Statutes;
- the CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course; and
- the assessable property within the District will receive a special benefit from the CIP that is at least equal to such costs.

Also, the CIP will constitute a system of improvements that will provide benefits, both general, and special and peculiar, to all lands within the District. The general public, property owners, and property outside the District will benefit from the provisions of the District's CIP; however, these are incidental to the District's CIP, which is designed solely to provide special benefits peculiar to property within the District. Special and peculiar benefits accrue to property within the District and enables properties within its boundaries to be developed.

The CIP will be owned by the District or other governmental units and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on perpetual easements in favor of the District or other governmental entity. The CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property. The District will pay the lesser of the cost of the components of the CIP or the fair market value.

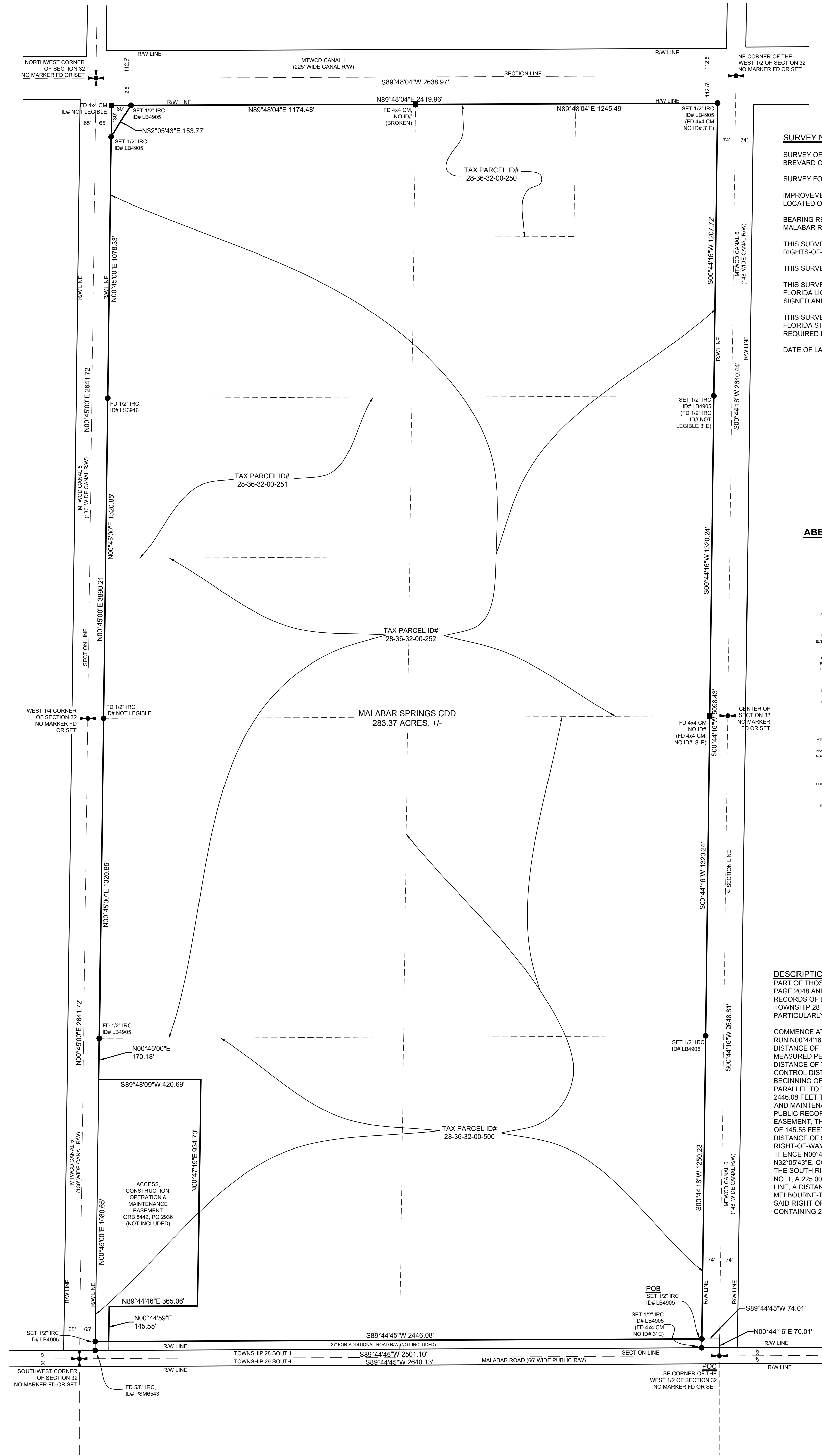
Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water,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



APPENDIX A

LEGAL SKETCH AND DESCRIPTION

H:\Projects\Brevard\11604\Drawings\11604_100_007_FOR_CDD.dwg, June 10, 2022 11:43:15 AM L4



SURVEY NOTES:

SURVEY OF PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

SURVEY FOR BOUNDARY AND DESCRIPTION ONLY.

IMPROVEMENTS AND/OR UTILITIES, WHETHER ABOVEGROUND OR UNDERGROUND, ARE NOT LOCATED OR SHOWN ON THIS SURVEY.

BEARING REFERENCE: ASSUMED BEARING OF S89°44'45"W ON THE NORTH R/W LINE OF MALABAR ROAD.

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

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

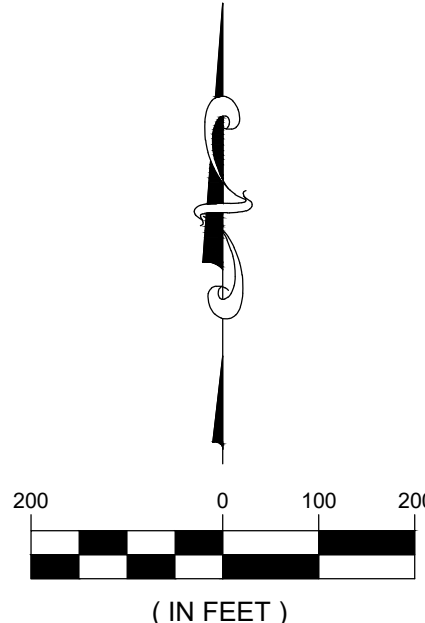
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

DATE OF LAST FIELD WORK: 05/03/2022

ABBREVIATIONS

AC ANCHOR/ANCHOR
AL ARC LENGTH
AVE AVENUE
BLVD BOULEVARD
BM BENCH MARK
BOL BEGINNING OF CURVE
CL CENTERLINE
CA CENTRAL ANGLE
CB CHORD BEARING
CBS CONCRETE BLOCK STRUCTURE
CH CHORD LENGTH
CM CONCRETE MONUMENT
CMP CORRUGATED METAL PIPE
CONC CONCRETE
COR CORNER
DEL DELTA/CENTRAL ANGLE
DEI DEVELOPMENT OF REGIONAL IMPACT
ELEC ELECTRIC
ELEV ELEVATION
END END OF CURVE
EOP EDGE OF PAVEMENT
EOW EDGE OF WATER
ERP ELLIPTICAL REINFORCED CONCRETE PIPE
ESBT EASEMENT
FD FOUND
FFE FINISHED FLOOR ELEVATION
FH FIRE HYDRANT
FL FLORIDA POWER AND LIGHT
FT FEET
Hwy HIGHWAY
ID# IDENTIFICATION NUMBER
INV INVERT
IR IRON ROD
IRC IRON ROD AND CAP
LB LICENSED BUSINESS
LW LIGHTER WOOD POST
MAD MELBOURNE-TILLMAN WATER CONTROL DISTRICT
NAD NAD AND DSR
NAD83 NORTH AMERICAN VERTICAL DATUM 1983
NGVD83 NATIONAL GEODETIC VERTICAL DATUM 1983
NTI NON-TANGENT INTERSECTION
NTL NON-TANGENT LINE
NTS NOT TO SCALE
OHE OVERHEAD ELECTRIC UTILITY
ORCRB OFFICIAL RECORDS BOOK
PB PLAT BOOK
POC POINT OF COMPOUND CURVATURE
PCP PERMANENT CONTROL POINT
PG(S) PAGE(S)
PK PARKER-KALEN
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
PP POWER/UTILITY POLE
PRC POINT OF REVERSE CURVATURE
PUD PLANNED UNIT DEVELOPMENT
PVC POLYVINYL CHLORIDE PIPE
R RADIUS
RW RIGHT-OF-WAY
RCP REINFORCED CONCRETE PIPE
RR RAILROAD
ST STREET
TYP TYPICAL

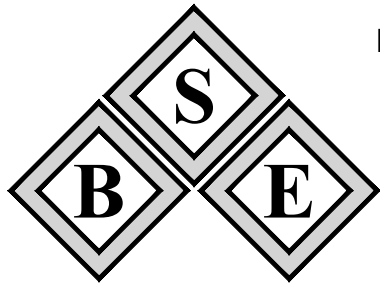


DESCRIPTION:

PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5088.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

FIELD BOOK: ---	
PAGE(S): ---	
REVISED DESCRIPTION	6/10/2022
DESIGN/DRAWN: LEH	DATE: 6/1/2022



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3874 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0040905

MALABAR SPRINGS CDD

BOUNDARY SURVEY

SCOTT M. GLAUBITZ
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NUMBER 4151

LESLIE E. HOWARD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 5611

PROJECT NO.

11604

DRAWING NO.

11604_100_007

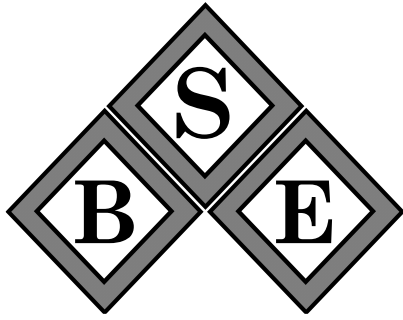
SHEET

1 of 1

DESCRIPTION FOR CDD:

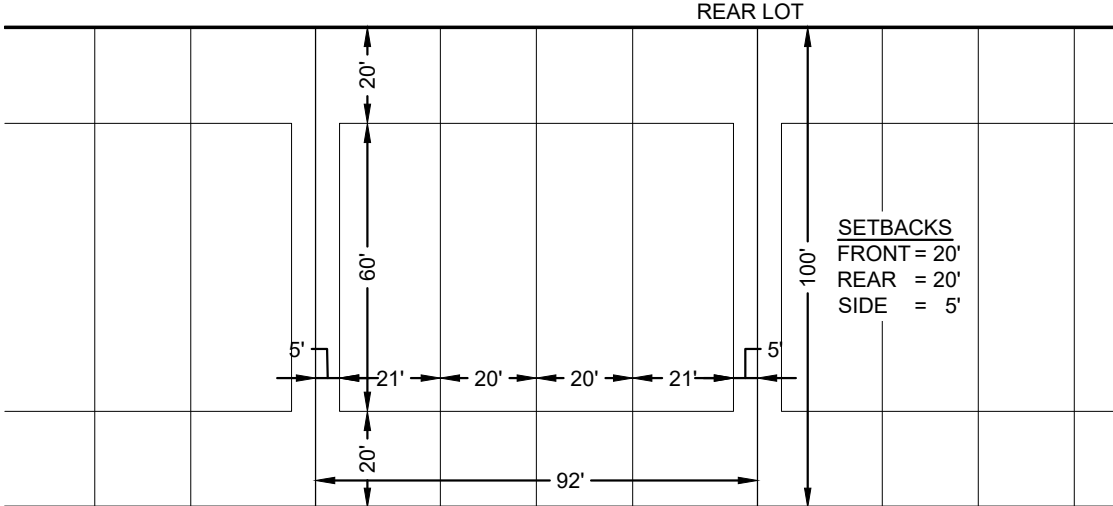
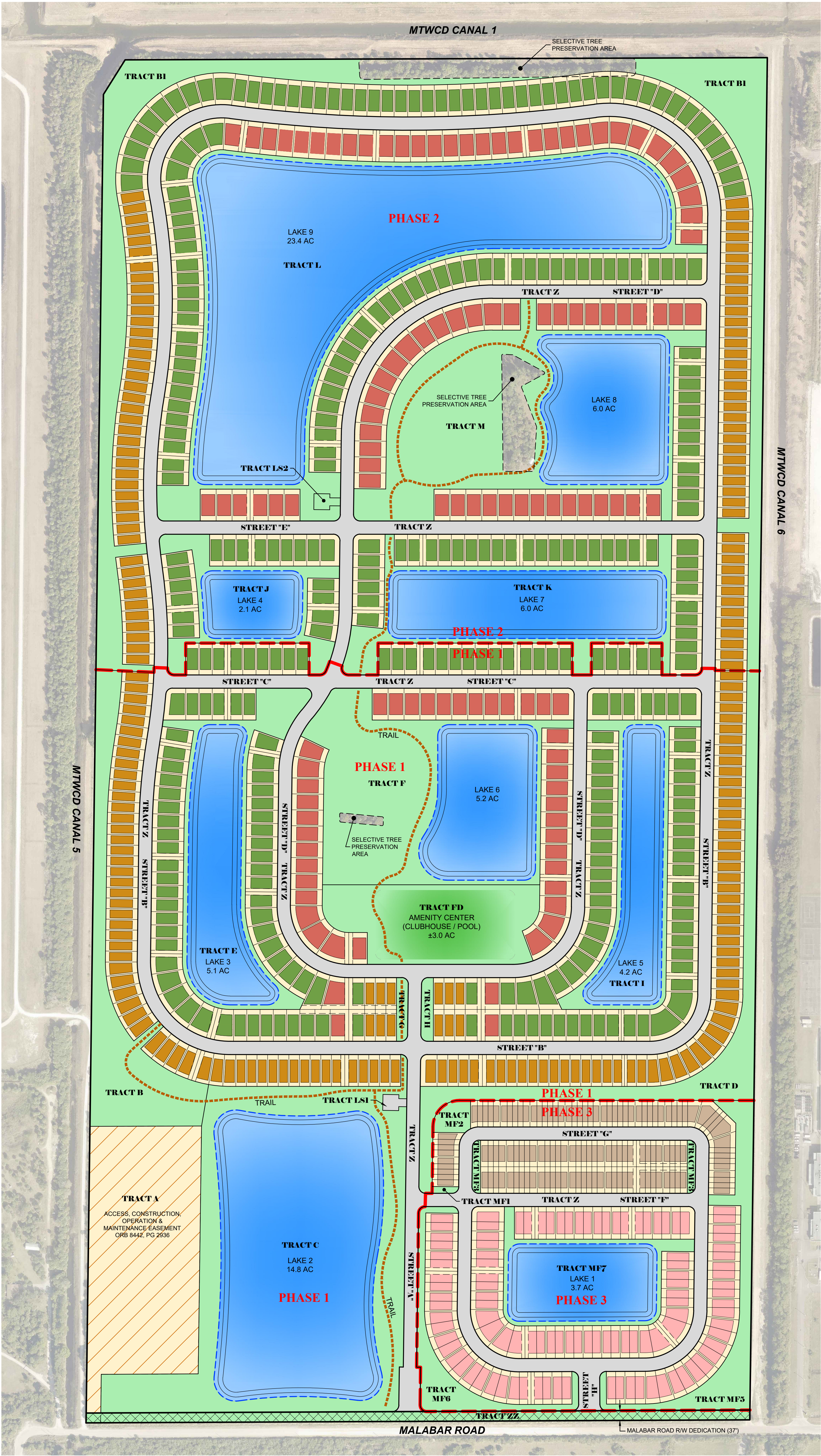
PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5098.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

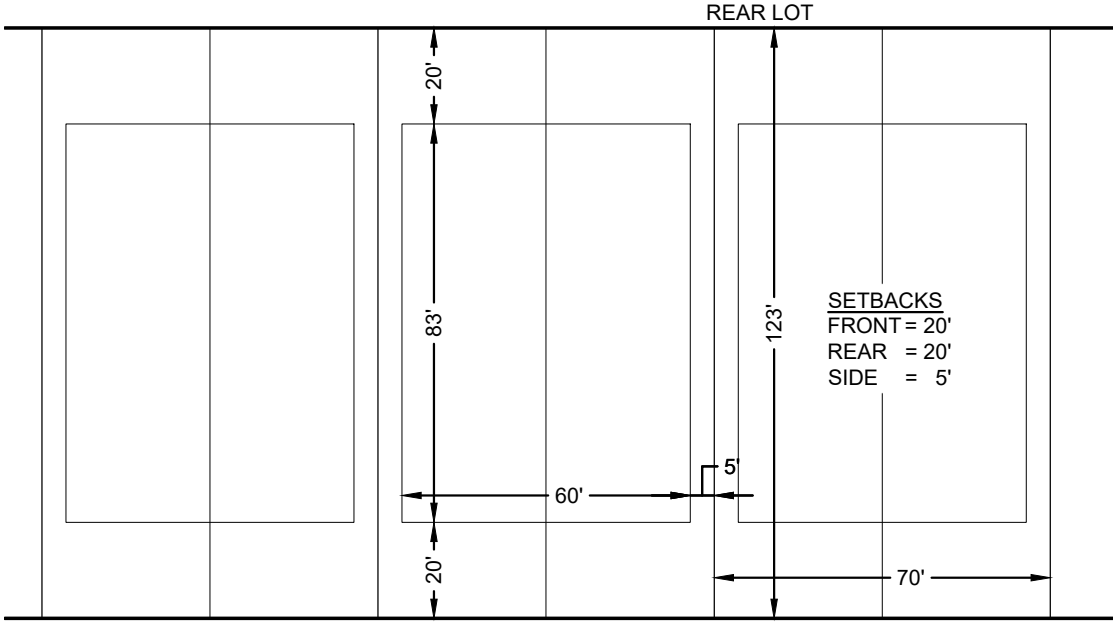


APPENDIX B

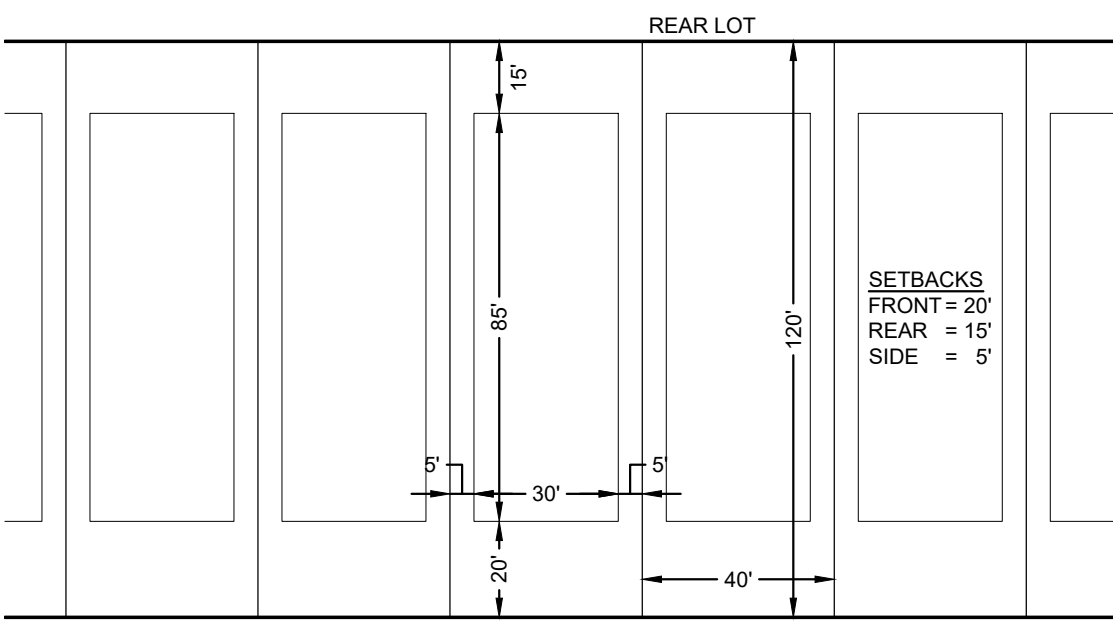
OVERALL PROJECT AND PHASING EXHIBIT



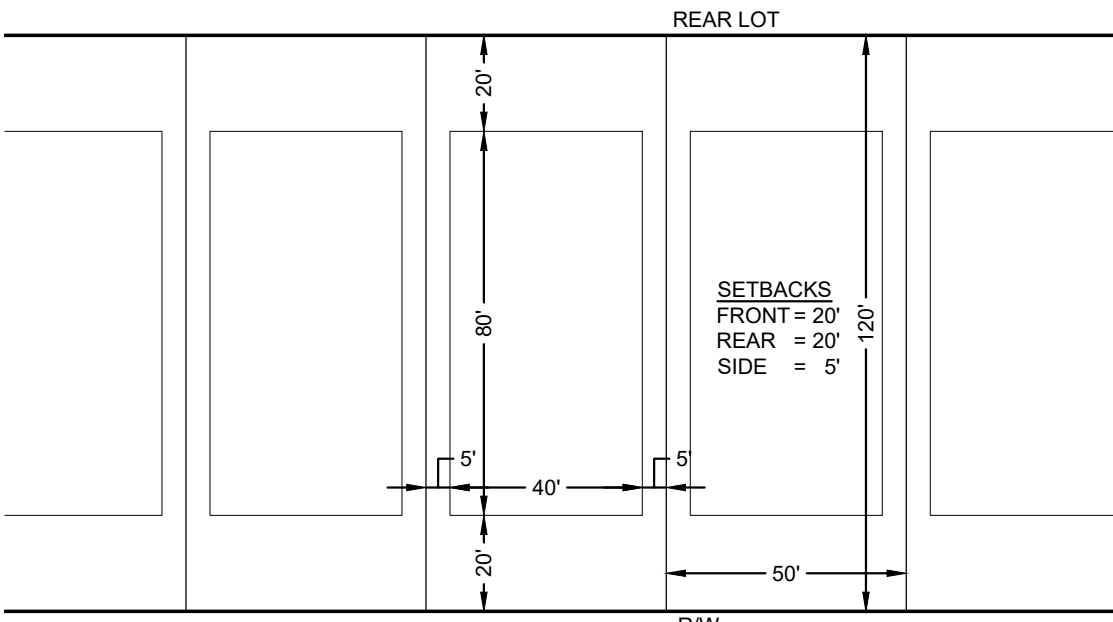
FRONT LOAD TOWNS (4-PLEX) LOT DETAIL



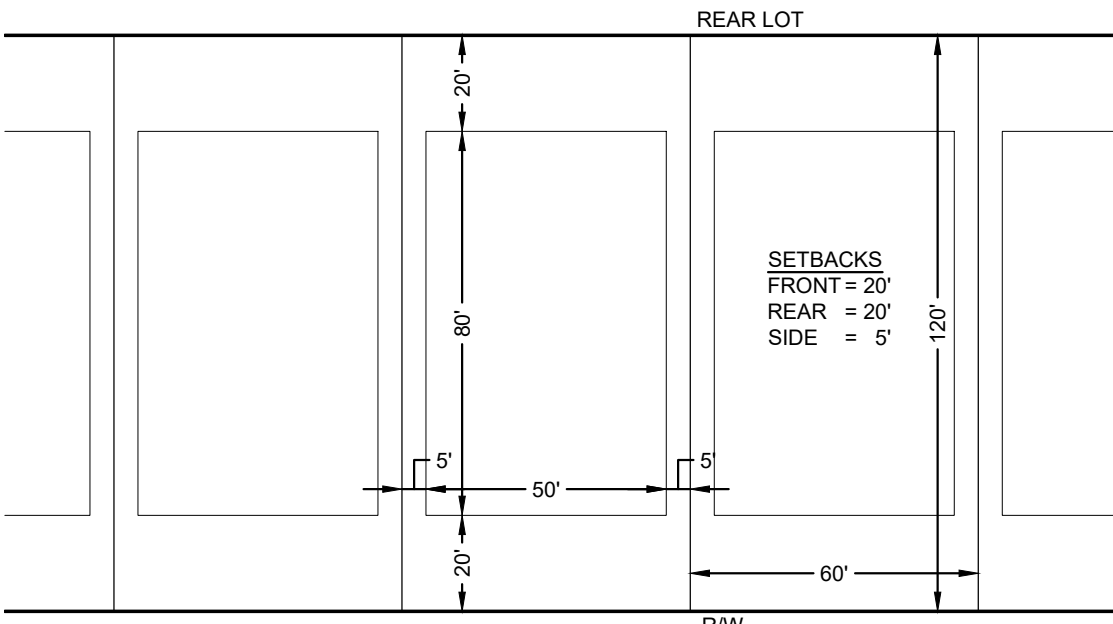
PAIRED VILLAS (DUPLEX) LOT DETAIL



40' LOT DETAIL

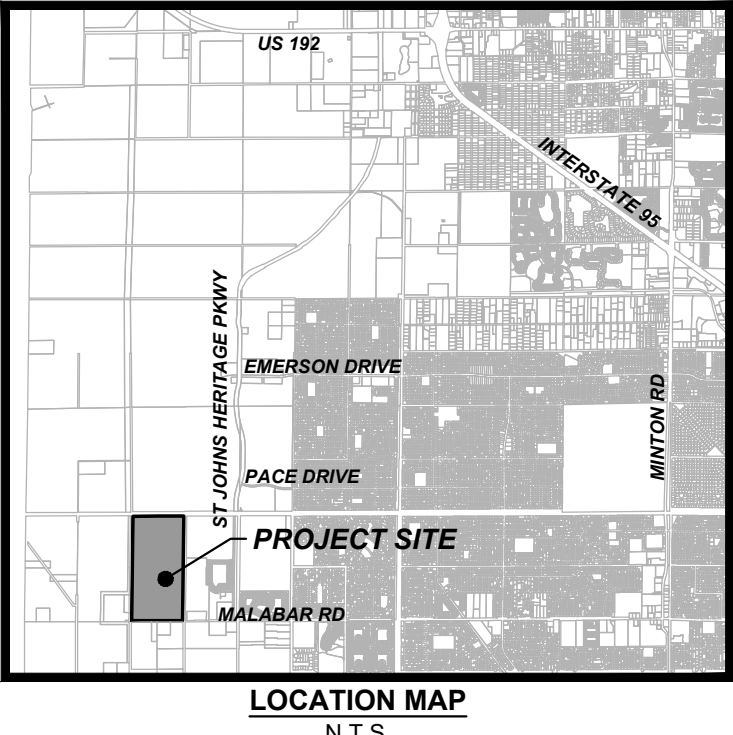


50' LOT DETAIL



60' LOT DETAIL

DEVELOPMENT AREA	PHASE 1 AREA (ACRES)	PHASE 2 AREA (ACRES)	PHASE 3 AREA (ACRES)
INFRASTRUCTURE DEVELOPMENT			
TRACT A	9.20		
TRACT LS1	0.10		
TRACT LS2		0.11	
TRACT Z	13.38	12.18	5.20
TRACT ZZ	2.12		
LOT / BLOCK AREA	45.30	49.89	18.65
LAKE AREA (@ NWL)	29.30	37.50	3.70
OPEN / GREEN / REC SPACE			
TRACT B	4.79		
TRACT B1		12.56	
TRACT C (LESS LAKE AREA)	8.05		
TRACT D	4.26		
TRACT E (LESS LAKE AREA)	2.02		
TRACT F (LESS LAKE AREA)	7.21		
TRACT FD	4.95		
TRACT G	0.23		
TRACT H	0.25		
TRACT I (LESS LAKE AREA)	1.40		
TRACT J (LESS LAKE AREA)		1.62	
TRACT K (LESS LAKE AREA)		2.23	
TRACT L (LESS LAKE AREA)		3.42	
TRACT M (LESS LAKE AREA)		9.39	
TRACT MF1			0.06
TRACT MF2			0.34
TRACT MF3			0.14
TRACT MF4			0.14
TRACT MF5			2.53
TRACT MF6			1.53
TRACT MF7 (LESS LAKE AREA)			0.95
INFRASTRUCTURE DEVELOPMENT TOTAL (294.7 ACRES)	132.56	128.90	33.24
OPEN SPACE CALCULATIONS			
MINIMUM REQUIRED IS 25% OF DEVELOPED AREA	33.14	32.23	8.31
75% OF OPEN SPACE CAN BE LAKE AREA	21.98	28.13	2.78
OPEN / GREEN / REC SPACE PROVIDED	33.16	29.22	5.69
TOTAL OPEN SPACE PROVIDED	55.14	57.35	8.46
	41.59%	44.49%	25.47%

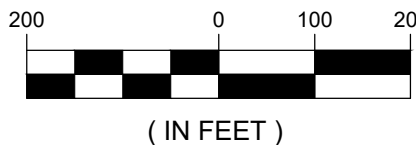


UNIT TYPE
= FRONT LOAD TOWNS
= PAIRED VILLAS (DUPLEX)
= 40 FT WIDE - SINGLE FAMILY
= 50 FT WIDE - SINGLE FAMILY
= 60 FT WIDE - SINGLE FAMILY

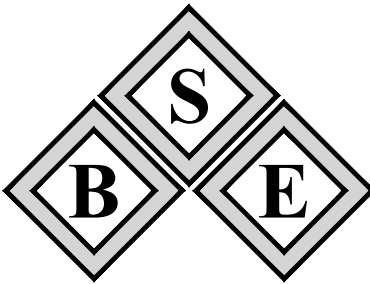
SINGLE FAMILY
40's 50's 60's
PHASE 1 127 147 43 317
PHASE 2 85 175 76 336
TOTAL 212 322 119 653

MULTI-FAMILY
FRONT LOAD TOWNS (4- , 5- , 6-PLEX BUILDINGS) = 126
PAIRED VILLAS (DUPLEX); 53 LOTS x2 UNITS PER = 106
TOTAL MULTI-FAMILY = 232 UNITS

TOTAL NUMBER OF UNITS = 653 + 232 = 885



DESIGN/DRAWN: ALS/DRB	DATE: 08/11/22
-----------------------	----------------



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING
312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3874 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4925
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

MALABAR SPRINGS

FINAL DEVELOPMENT PLAN (FDP)

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

PROJECT NO.

11604

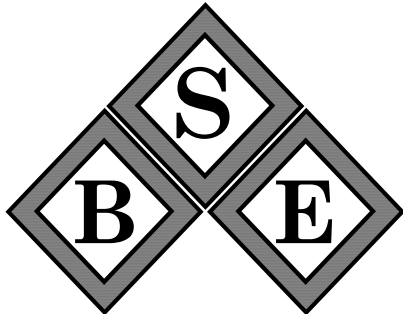
DRAWING NO.

11604_200_016

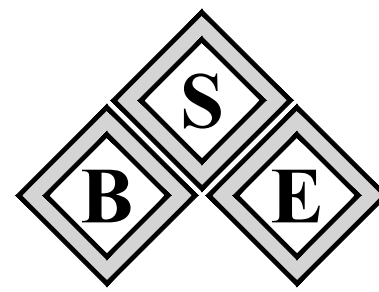
SHEET

1 of 1

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE. ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.



APPENDIX C
MALABAR ROAD IMPROVEMENTS EXHIBIT

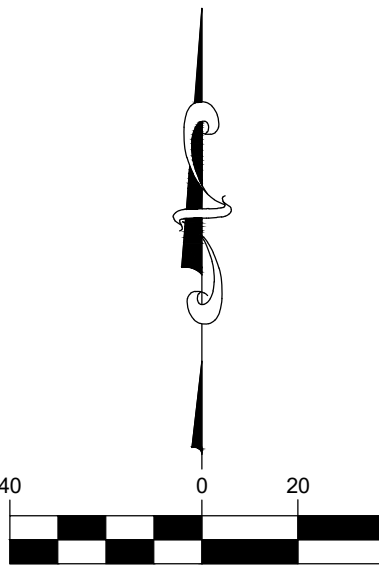


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE (321) 725-3074 FAX (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



(IN FEET)
VERTICAL DATUM: NAVD83

△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

WMD COMMENTS JULY/AUG 2022

DATE: 04/12/22

DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

MALABAR
SPRINGS
PHASE 1

SHEET TITLE

MALABAR ROAD
EXISTING
CONDITIONS PLAN

PROJECT NO.

11604

DRAWING NO.

11604_400_103

SHEET

3 OF 7

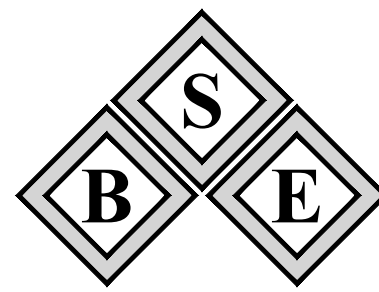
SEE BELOW LEFT FOR CONTINUATION

SEE ABOVE RIGHT FOR CONTINUATION

SPACE RESERVED FOR CITY USE ONLY

H:\Projects\Folder11604\Drawings\11604_400\11604_400_103.dwg, October 5, 2022, 10:08:39 AM, DDB

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.

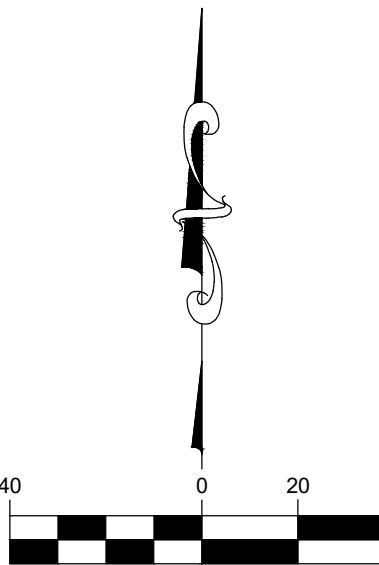


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 726-3074 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



(IN FEET)

VERTICAL DATUM: NAVD83

△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

WMD COMMENTS JULY/AUG 2022

DATE: 04/12/22

DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

MALABAR
SPRINGS
PHASE 1

SHEET TITLE

MALABAR ROAD
PLAN AND
PROFILE (1)

PROJECT NO.

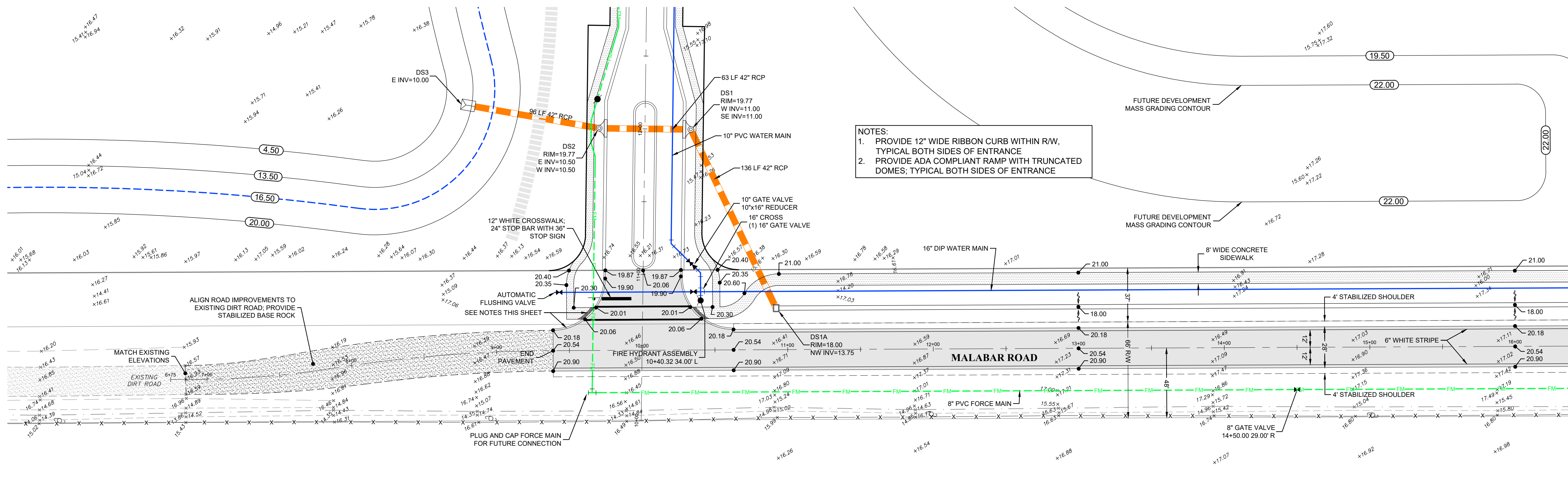
11604

DRAWING NO.

11604_400_104

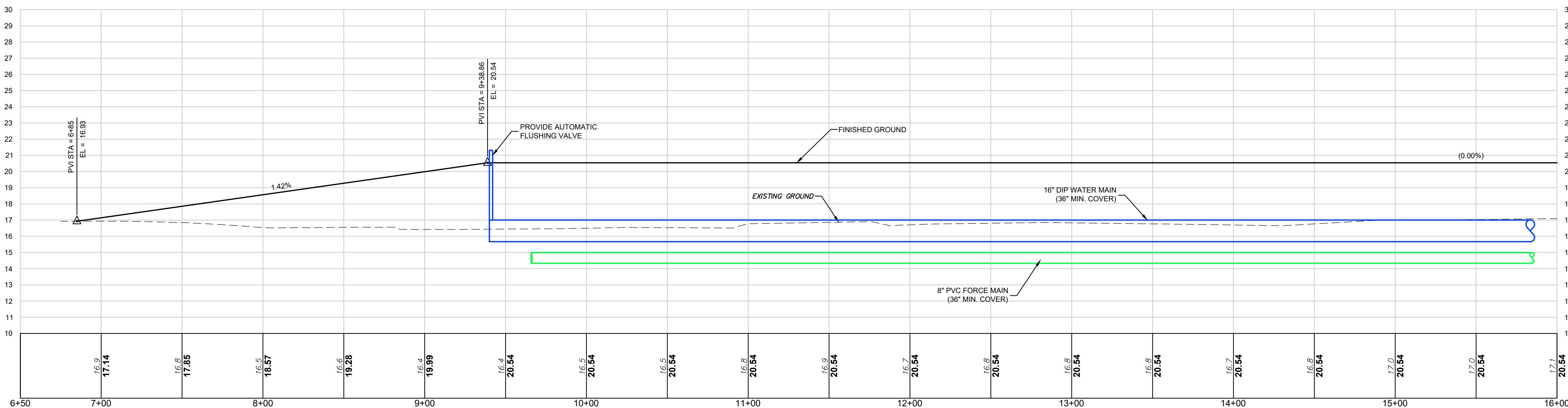
SHEET

4 OF 7



- NOTES:
- PROVIDE 12" WIDE RIBBON CURB WITHIN R.W. TYPICAL BOTH SIDES OF ENTRANCE
 - PROVIDE ADA COMPLIANT RAMP WITH TRUNCATED DOMES; TYPICAL BOTH SIDES OF ENTRANCE

- NOTES:
- MAINTENANCE OF TRAFFIC SHALL CONFORM TO FDOT DESIGN STANDARDS 2021-2022 INDEX 102-602 (TWO-LANE AND MULTILANE, WORK ON SHOULDER) AND INDEX 102-606 (TWO-LANE ROADWAY, LANE CLOSURE USING TEMPORARY TRAFFIC SIGNALS).
 - CONTRACTOR SHALL UTILIZE DITCHES, PIPES, AND/OR PUMPS AS NECESSARY TO MAINTAIN EXISTING DRAINAGE DURING ALL PHASES OF CONSTRUCTION. EXISTING DRAINAGE SHALL NOT BE BLOCKED OR ADVERSELY AFFECTED DURING CONSTRUCTION.
 - IF ANY SIGNAGE IN THE COUNTY RIGHT-OF-WAY IS REMOVED, IT SHALL BE REPLACED IN ACCORDANCE WITH BREVARD COUNTY LAND DEVELOPMENT EXHIBIT 26.
 - PROVIDE SILT FENCE AROUND ALL AREAS OF WORK WITHIN MALABAR ROAD RIGHT-OF-WAY. SOD ALL DISTURBED AREAS WITHIN 24 HOURS OF COMPLETING UTILITY CONSTRUCTION.



SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE. ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.

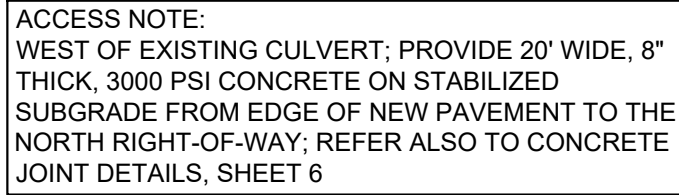


312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

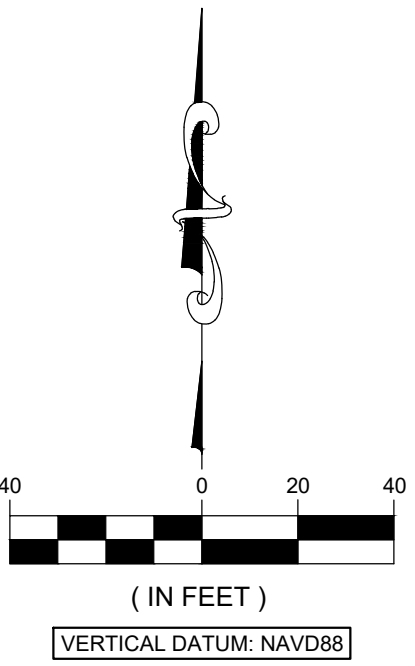
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



- | | |
|--------|---|
| NOTES: | |
| 1. | MAINTENANCE OF TRAFFIC SHALL CONFORM TO FDOT DESIGN STANDARDS 2021-2022 (INDEX 102-602 (TWO-LANE AND MULTILANE, WORK ON SHOULDER) AND INDEX 102-606 (TWO-LANE ROADWAY, LANE CLOSURE USING TEMPORARY TRAFFIC SIGNALS). |
| 2. | CONTRACTOR SHALL UTILIZE DITCHES, PIPES, AND/OR PUMPS AS NECESSARY TO MAINTAIN EXISTING DRAINAGE DURING ALL PHASES OF CONSTRUCTION. EXISTING DRAINAGE SHALL NOT BE BLOCKED OR ADVERSELY AFFECTED DURING CONSTRUCTION. |
| 3. | IF ANY SIGNAGE IN THE COUNTY RIGHT-OF-WAY IS REMOVED, IT SHALL BE REPLACED IN ACCORDANCE WITH BREVARD COUNTY LAND DEVELOPMENT EXHIBIT 26. |
| 4. | PROVIDE SILT FENCE AROUND ALL AREAS OF WORK WITHIN MALABAR ROAD RIGHT-OF-WAY. SOD ALL DISTURBED AREAS WITHIN 24 HOURS OF COMPLETING UTILITY CONSTRUCTION. |



Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	
WMD COMMENTS JULY/AUG 2002	****
DATE:	04/12/2
DESIGN/DRAWN:	ALS/AH/DR

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

MALABAR ROAD PLAN AND PROFILE (2)

PROJECT NO.

11604

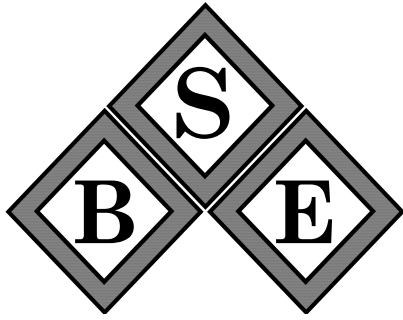
DRAWING NO.

11604_400_105

SHEET

5 OF 7

SYMBOLS SHOWN ARE GRAPHIC IN NATURE; DUE TO SCALE, ALL DESIGN ELEMENTS ARE NOT NECESSARILY SHOWN ON PLAN VIEWS. THE CONTRACTOR SHALL ALSO REFER TO SPECIFICATION AND DETAIL SHEETS AS WELL AS THE COMPLETE PLAN SET.



APPENDIX D
MASS GRADING AND PHASE 1 INFRASTRUCTURE IMPROVEMENTS

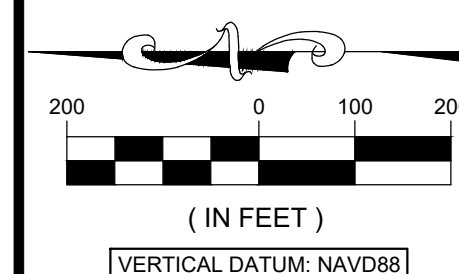


312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159

CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



A		
B		
C		
D		
E		
F		
G		
H		
I		
J		
K		
L		
M		
N		
O		
P		
Q		
R		
S		
T		
U		
V		
W		
X		
Y		
Z		
AA		
AB		
AC		
AD		
AE		
AF		
AG		
AH		
AI		
AJ		
AK		
AL		
AM		
AN		
AO		
AP		
AQ		
AR		
AS		
AT		
AU		
AV		
AW		
AX		
AY		
AZ		
BA		
BB		
BC		
BD		
BE		
BF		
BG		
BH		
BI		
BJ		
BK		
BL		
BM		
BN		
BO		
BP		
BQ		
BR		
BS		
BT		
BU		
BV		
BW		
BX		
BY		
BZ		
CA		
CB		
CC		
CD		
CE		
CF		
CG		
CH		
CI		
CJ		
CK		
CL		
CM		
CN		
CO		
CP		
CQ		
CR		
CS		
CT		
CU		
CV		
CW		
CX		
CY		
CZ		
DA		
DB		
DC		
DD		
DE		
DF		
DG		
DH		
DI		
DJ		
DK		
DL		
DM		
DN		
DO		
DP		
DQ		
DR		
DS		
DT		
DU		
DV		
DW		
DX		
DY		
DZ		
EA		
EB		
EC		
ED		
EE		
EF		
EG		
EH		
EI		
EJ		
EK		
EL		
EM		
EN		
EO		
EP		
EQ		
ER		
ES		
ET		
EU		
EV		
EW		
EX		
EY		
EZ		
FA		
FB		
FC		
FD		
FE		
FF		
FG		
FH		
FI		
FJ		
FK		
FL		
FM		
FN		
FO		
FP		
FQ		
FR		
FS		
FT		
FU		
FV		
FW		
FX		
FY		
FZ		
GA		
GB		
GC		
GD		
GE		
GF		
GG		
GH		
GI		
GJ		
GK		
GL		
GM		
GN		
GO		
GP		
GQ		
GR		
GS		
GT		
GU		
GV		
GW		
GX		
GY		
GZ		
HA		
HB		
HC		
HD		
HE		
HF		
HG		
HH		
HI		
HJ		
HK		
HL		
HM		
HN		
HO		
HP		
HQ		
HR		
HS		
HT		
HU		
HV		
HW		
HX		
HY		
HZ		
IA		
IB		
IC		
ID		
IE		
IF		
IG		
IH		
II		
IJ		
IK		
IL		
IM		
IN		
IO		
IP		
IQ		
IR		
IS		
IT		
IU		
IV		
IW		
IX		
IY		
IZ		
JA		
JB		
JC		
JD		
JE		
JF		
JG		
JH		
JI		
JJ		
JK		
JL		
JM		
JN		
JO		
JP		
JQ		
JR		
JS		
JT		
JU		
JV		
JW		
JX		
JY		
JZ		
KA		
KB		
KC		
KD		
KE		
KF		
KG		
KH		
KI		
KJ		
KK		
KL		
KM		
KN		
KO		
KP		
KQ		
KR		
KS		
KT		
KU		
KV		
KW		
KX		
KY		
KZ		
LA		
LB		
LC		
LD		
LE		
LF		
LG		
LH		
LI		
LJ		
LK		
LL		
LM		
LN		
LO		
LP		
LQ		
LR		
LS		
LT		
LU		
LV		
LW		
LX		
LY		
LZ		
MA		
MB		
MC		
MD		
ME		
MF		
MG		
MH		
MI		
MJ		
MK		
ML		
MM		
MN		
MO		
MP		
MQ		
MR		
MS		
MT		
MU		
MV		
MW		
MX		
MY		
MZ		
NA		
NB		
NC		
ND		
NE		
NF		
NG		
NH		
NI		
NJ		
NK		
NL		
NM		
NN		
NO		
NP		
NQ		
NR		
NS		
NT		
NU		
NV		
NW		
NX		
NY		
NZ		
OA		
OB		
OC		
OD		
OE		
OF		
OG		
OH		
OI		
OJ		
OK		
OL		
OM		
ON		
OO		
OP		
OQ		
OR		
OS		
OT		
OU		
OV		
OW		
OX		
OY		
OZ		
PA		
PB		
PC		
PD		
PE		
PF		
PG		
PH		
PI		
PJ		
PK		
PL		
PM		
PN		
PO		
PP		
PQ		
PR		
PS		
PT		
PU		
PV		
PW		
PX		
PY		
PZ		
QA		
QB		
QC		
QD		
QE		
QF		
QG		
QH		
QI		
QJ		
QK		
QL		
QM		
QN		
QO		
QP		
QQ		
QR		
QS		
QT		
QU		
QV		
QW		
QX		
QY		
QZ		
RA		
RB		
RC		
RD		
RE		
RF		
RG		
RH		
RI		
RJ		
RK		
RL		
RM		
RN		
RO		
RP		
RQ		
RR		
RS		
RT		
RU		
RV		
RW		
RX		
RY		
RZ		
SA		
SB		
SC		
SD		
SE		
SF		
SG		
SH		
SI		
SJ		
SK		
SL		
SM		
SN		
SO		
SP		
SQ		
SR		
SS		
ST		
SU		
SV		
SW		
SX		
SY		
SZ		
TA		
TB		
TC		
TD		
TE		
TF		
TG		
TH		
TI		
TJ		
TK		
TL		
TM		
TN		
TO		
TP		
TQ		
TR		
TS		
TT		
TU		
TV		
TW		
TX		
TY		
TZ		
UA		
UB		
UC		
UD		
UE		
UF		
UG		
UH		
UI		
UJ		
UK		
UL		
UM		
UN		
UO		
UP		
UQ		
UR		
US		
UT		
UU		
UV		
UW		
UX		
UY		
UZ		
VA		
VB		
VC		
VD		
VE		
VF		
VG		
VH		
VI		
VJ		
VK		
VL		
VM		
VN		
VO		
VP		
VQ		
VR		
VS		
VT		
VU		
VV		
VW		
VX		
VY		
VZ		
WA		
WB		
WC		
WD		
WE		
WF		
WG		
WH		
WI		
WJ		
WK		
WL		
WM		
WN		
WO		
WP		
WQ		
WR		
WS		
WT		
WU		
WV		
WW		
WX		
WY		
WZ		
XA		
XB		
XC		
XD		
XE		
XF		
XG		
XH		
XI		
XJ		
XK		
XL		
XM		
XN		
XO		
XP		
XQ		
XR		
XS		
XT		
XU		
XV		
XW		
XX		
XY		
XZ		
YA		
YB		
YC		
YD		
YE		
YF		
YG		
YH		
YI		
YJ		
YK		
YL		
YM		
YN		
YO		
YP		
YQ		
YR		
YS		
YT		
YU		
YV		
YW		
YX		
YZ		
ZA		
ZB		
ZC		
ZD		
ZE		
ZF		
ZG		
ZH		
ZI		
ZJ		
ZK		
ZL		
ZM		

WMD COMMENTS JULY/AUG 2022

DATE: 04/12/

DESIGN/DRAWN: ALS/AH/DF

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

OVERALL MASS GRADING PLAN

PROJECT NO.

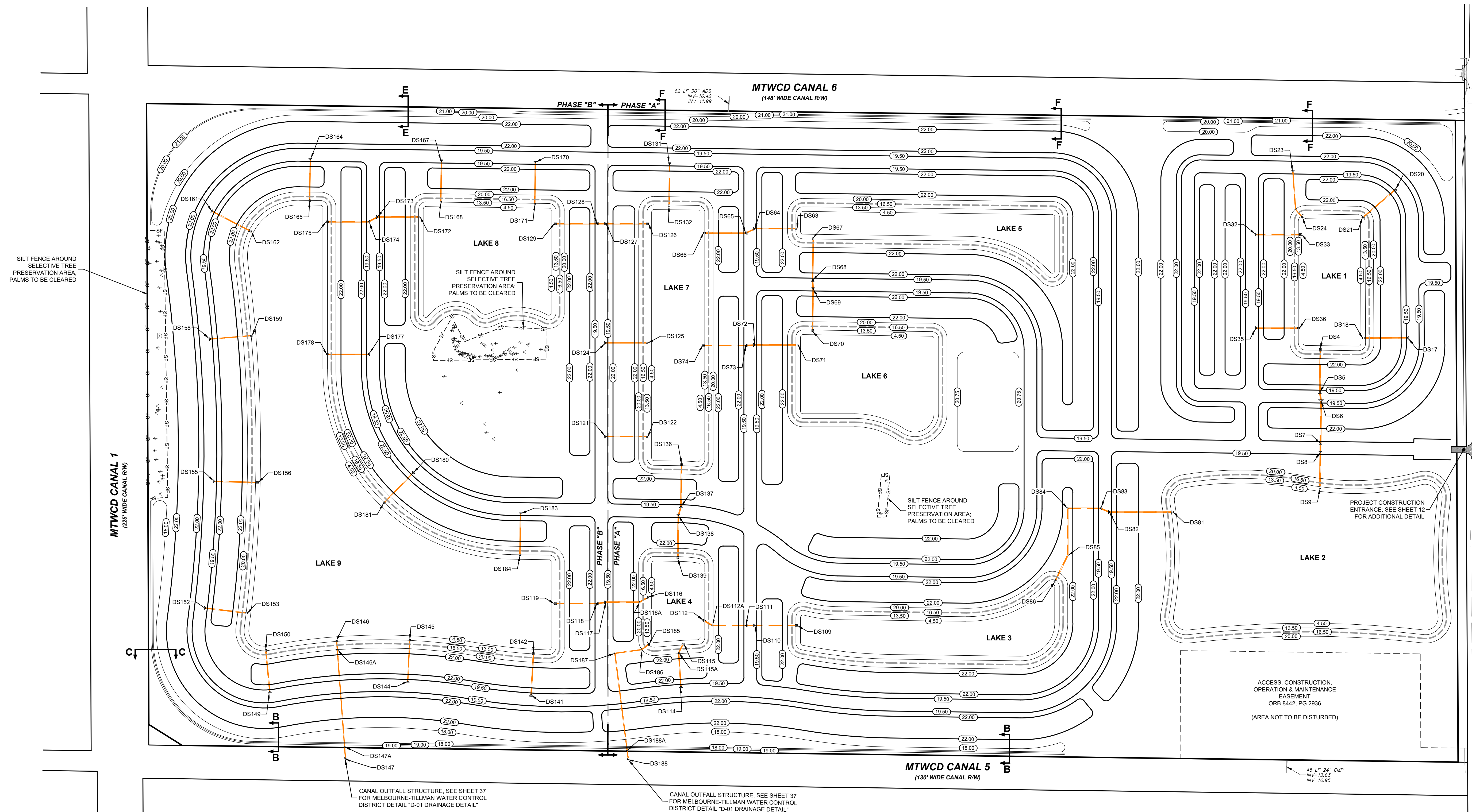
11604

DRAWING NO.

11604 400 008

SHEET

8 of 45

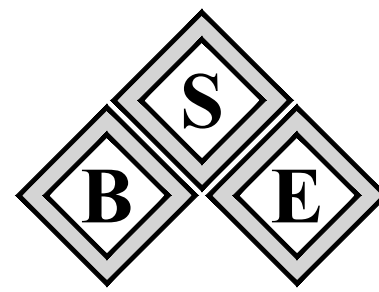


LAKE DATA TABLE						
LAKE ID	NWL	TOB	ANNUAL	10YR	25yr	100YR
LAKE 1	16.50	20.00	17.57	18.33	18.79	19.20
LAKE 2	16.50	20.00	17.56	18.32	18.78	19.18
LAKE 3	16.50	20.00	17.55	18.30	18.77	19.16
LAKE 4	16.50	20.00	17.52	18.24	18.69	19.06
LAKE 5	16.50	20.00	17.54	18.29	18.75	19.15
LAKE 6	16.50	20.00	17.55	18.30	18.76	19.16
LAKE 7	16.50	20.00	17.53	18.27	18.72	19.11
LAKE 8	16.50	20.00	17.52	18.26	18.71	19.09
LAKE 9	16.50	20.00	17.51	18.23	18.68	19.05

NOTES

1. SEE SHEETS 10 - 12 FOR ADDITIONAL MASS GRADING AND DRAINAGE DETAIL.
2. SEE SHEET 36 FOR TYPICAL LAKE SECTION AND CONTROL STRUCTURE DETAILS.
3. SEE SHEET 38 FOR PERIMETER CROSS SECTION DETAILS.
4. PROJECT CONSTRUCTION ENTRANCE AS NOTED ON MALABAR ROAD.
5. CONTRACTOR SHALL SOD (BAHIA) ALL DISTURBED AREA AT MALABAR ROAD CONSTRUCTION ENTRANCE, ALL DISTURBED AREA WITHIN MALABAR ROAD RIGHT-OF-WAY, AND ALL LAKE TOP OF BANK AREAS. REFER TO SHEET 36 FOR LAKE DETAILS AND LIMITS OF SOD; CONTRACTOR SHALL SEED AND MULCH ALL OTHER DISTURBED AREAS (100# BAHIA WITH 40# OF BROWN TOP MILLET SEED MIXTURE, MULCH WITH STRAW OR EQUAL).

SPACE RESERVED FOR CITY USE ONLY

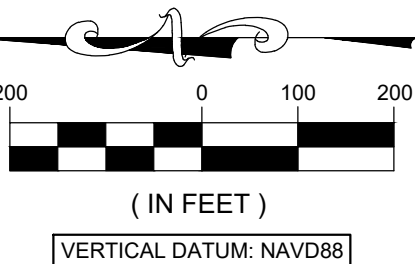


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3074 FAX: (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004005

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

WMD COMMENTS JULY/AUG 2022

DATE: 04/12/22

DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

MALABAR
SPRINGS
PHASE 1

SHEET TITLE

OVERALL
DRAINAGE PLAN

PROJECT NO.

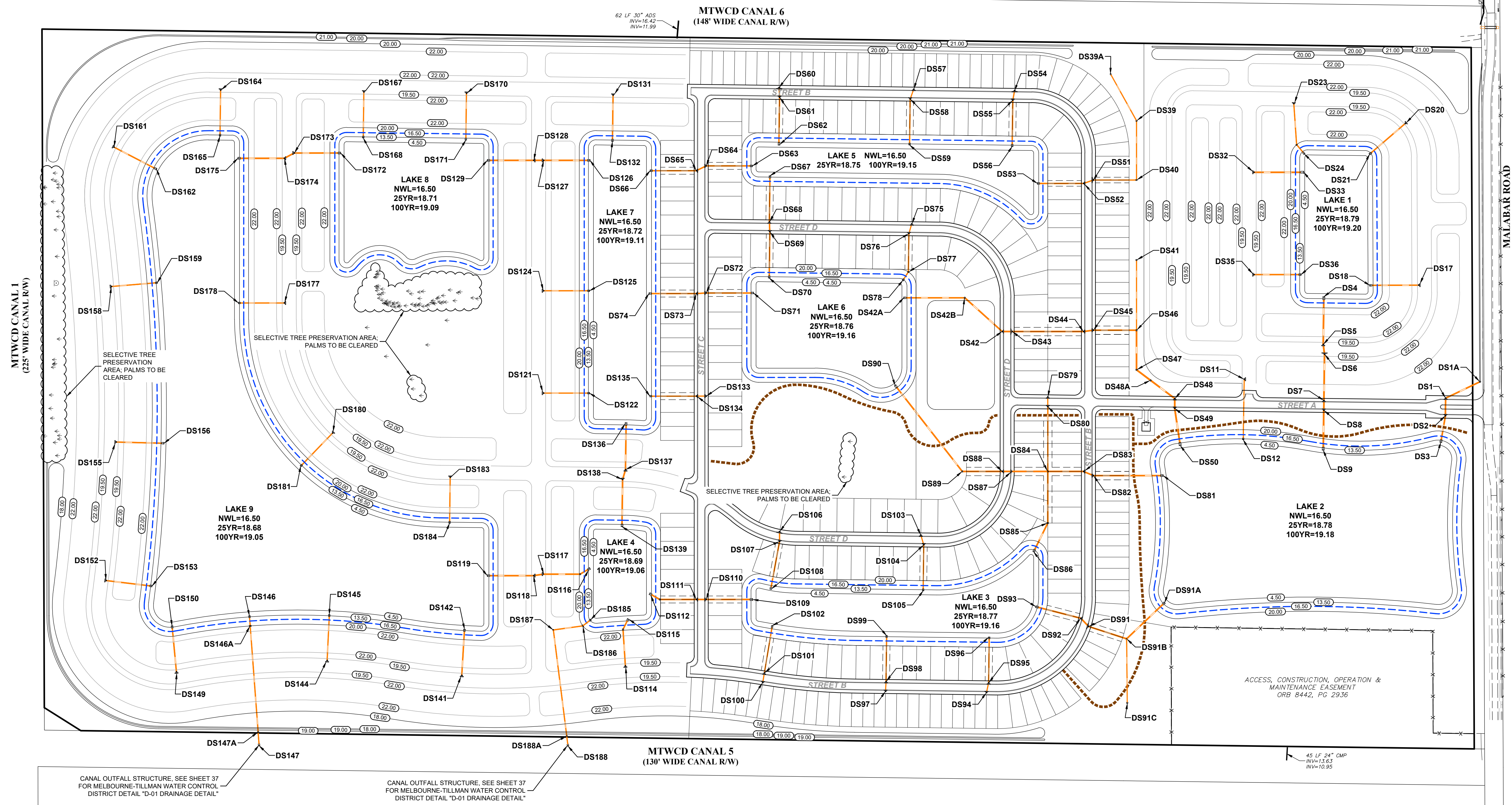
11604

DRAWING NO.

11604_400_013

SHEET

13 of 45



LAKE DATA TABLE						
LAKE ID	NWL	TOB	ANNUAL	10YR	25yr	100YR
LAKE 1	16.50	20.00	17.57	18.33	18.79	19.20
LAKE 2	16.50	20.00	17.56	18.32	18.78	19.18
LAKE 3	16.50	20.00	17.55	18.30	18.77	19.16
LAKE 4	16.50	20.00	17.52	18.24	18.69	19.06
LAKE 5	16.50	20.00	17.54	18.29	18.75	19.15
LAKE 6	16.50	20.00	17.55	18.30	18.76	19.16
LAKE 7	16.50	20.00	17.53	18.27	18.72	19.11
LAKE 8	16.50	20.00	17.52	18.26	18.71	19.09
LAKE 9	16.50	20.00	17.51	18.23	18.68	19.05

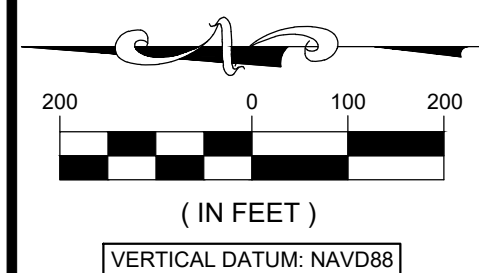


312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004905

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

FIRE HYDRANT ASSEMBLY



		
		
		
		
		
		
		
		
	WMD COMMENTS JULY/AUG 2022	----
DATE:		04/12/22
DESIGN/DRAWN:		ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS
PHASE 1**

SHEET TITLE

OVERALL POTABLE WATER PLAN

PROJECT NO.

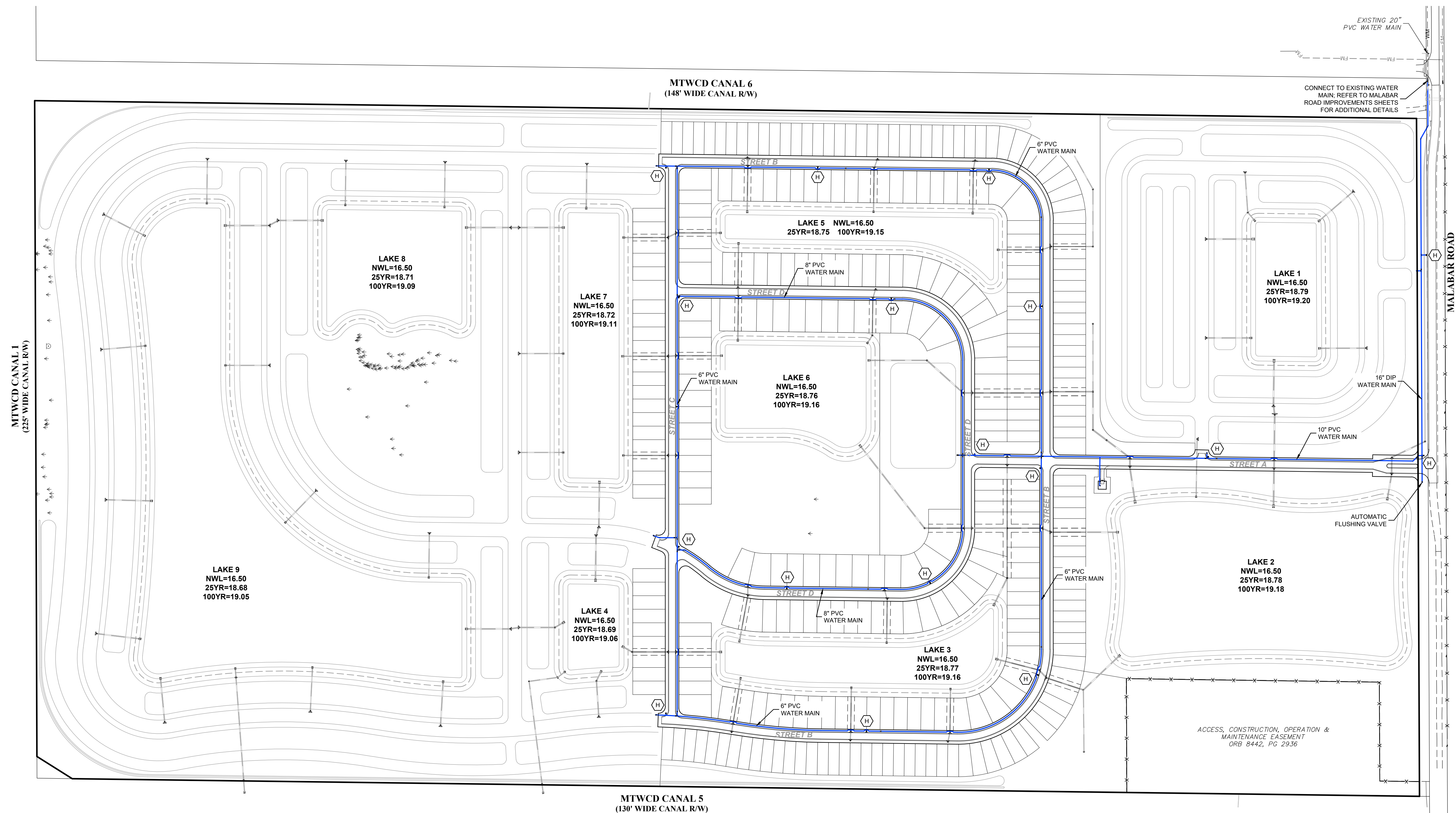
11604

DRAWING NO.

11604_400_022

SHEET

22 of 45



GENERAL NOTES:

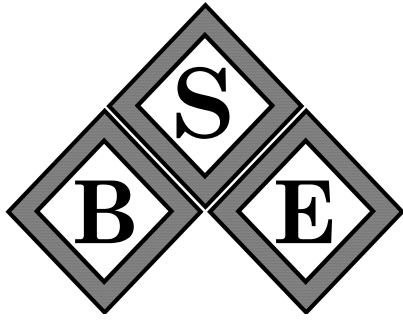
1. THE CITY OF PALM BAY UTILITIES INSPECTOR MUST BE NOTIFIED 48 HOURS PRIOR TO ANY UTILITIES WORK OR ANY WORK OCCURRING WITHIN THE VICINITY OF EXISTING WATER AND SEWER UTILITIES.
2. THE CONTRACTOR SHALL NOT OPERATE ANY PUBLIC WATER OR SEWER VALVES UNLESS SPECIFICALLY AUTHORIZED BY THE UTILITIES INSPECTOR.
3. THE FLOW TESTING OF ALL FIRE HYDRANTS PUBLIC OR PRIVATE SHALL BE WITNESSED BY THE FIRE PLANS EXAMINER. PUBLIC HYDRANTS SHALL BE TESTED TO THE REQUIREMENTS OF THE CITY OF PALM BAY UTILITIES DEPARTMENT. PRIVATE FIRE HYDRANTS SHALL BE TESTED TO THE REQUIREMENTS OF NFPA 24.
4. FIRE FLOW AND FLOW DURATION FOR ONE- AND TWO-FAMILY DWELLINGS HAVING A FIRE FLOW AREA IN EXCESS OF 5000 FT² (334.5 M²) SHALL NOT BE LESS THAN THAT SPECIFIED IN TABLE 18-4.5.1.2.

THE REQUIRED FIRE FLOW FOR THIS PROJECT IS AS FOLLOWS: SINGLE FAMILY: 1,000 GPM

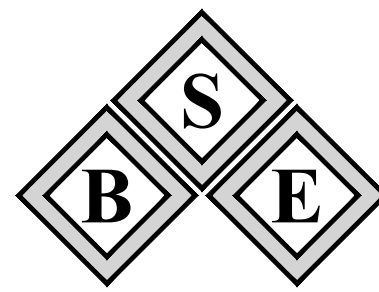
Florida Fire Prevention Code (FFPC) 7th edition, Florida Administrative Code (FAC), Florida State Statute (FSS) and City of Palm Bay Ordinances Chapters 33 and 177.

1. (FFPC 1-18.2.3.5.1.1) Fire department access roads shall have an unobstructed width of not less than 20 ft. The driving surface shall be maintained during all phases of construction and (FFPC-1-18.2.3.5.2) must be an all-weather driving surface capable of supporting a (§ 33.28) seventy thousand (70,000) pound emergency vehicles with maximum axle loads of thirty-five thousand (35,000) pounds.
2. (FFPC 1:16.4.3.1) (NFPA 241:8.7.2) (§ 33.28) Hydrants or alternative water supplies that are proposed to meet the required fire flow shall be installed and operational prior to the delivery of combustible materials to the site.
3. (FFPC 1-18.2.2.2) The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system. All motorized gates shall include a Click to Enter System or a Siren Operated Switch and Knox Key Switch backup. All manual gates shall have a Knox Padlock. Order Knox products at knoxbox.com. Indicate the gates shall have a minimum clear width of 14 feet.
4. (FFPC 1-18.5.7.2) A clear space of not less than 60 in. (1524 mm) shall be provided in front of each hydrant connection having a diameter greater than 2-1/2 in.
5. (FFPC 1-18.5.7.1) A 36 in. (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
6. (NFPA 24-7.3.3) The center of a hose outlet shall be not less than 18 in. (457 mm) above final grade.
7. (FFPC 1-18.5.1.6) Fire hydrants shall be located not more than 12 ft (3.7 m) from the fire department access road.

SPACE RESERVED FOR CITY USE ONLY



APPENDIX E
PHASES 2, 3 AND MULTI-FAMILY INFRASTRUCTURE EXHIBITS

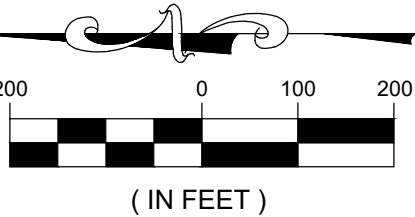


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 725-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004605

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	

DATE: 11/30/22
DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

MALABAR
SPRINGS

SHEET TITLE

OVERALL
DRAINAGE
EXHIBIT

PROJECT NO.

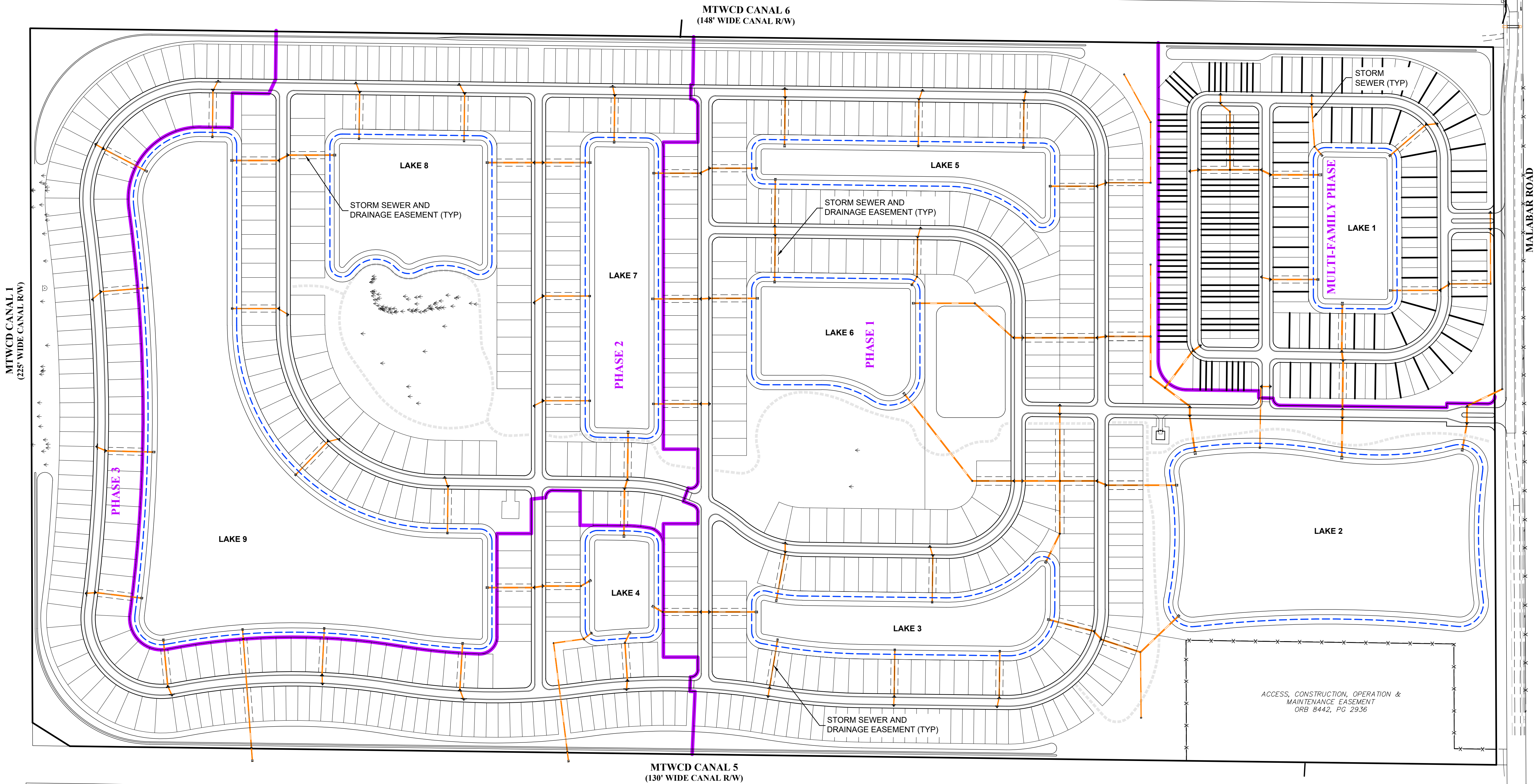
11604

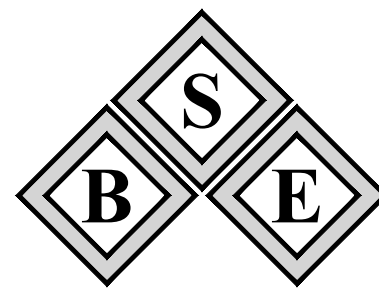
DRAWING NO.

11604_201_001

SHEET

1 of 1





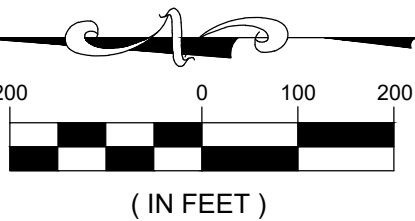
B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE: (321) 725-3674 FAX: (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004005

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951

(H) FIRE HYDRANT ASSEMBLY



△	
△	
△	
△	
△	
△	
△	
△	

DATE: 11/30/22
DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS**

SHEET TITLE

**OVERALL
POTABLE WATER
EXHIBIT**

PROJECT NO.

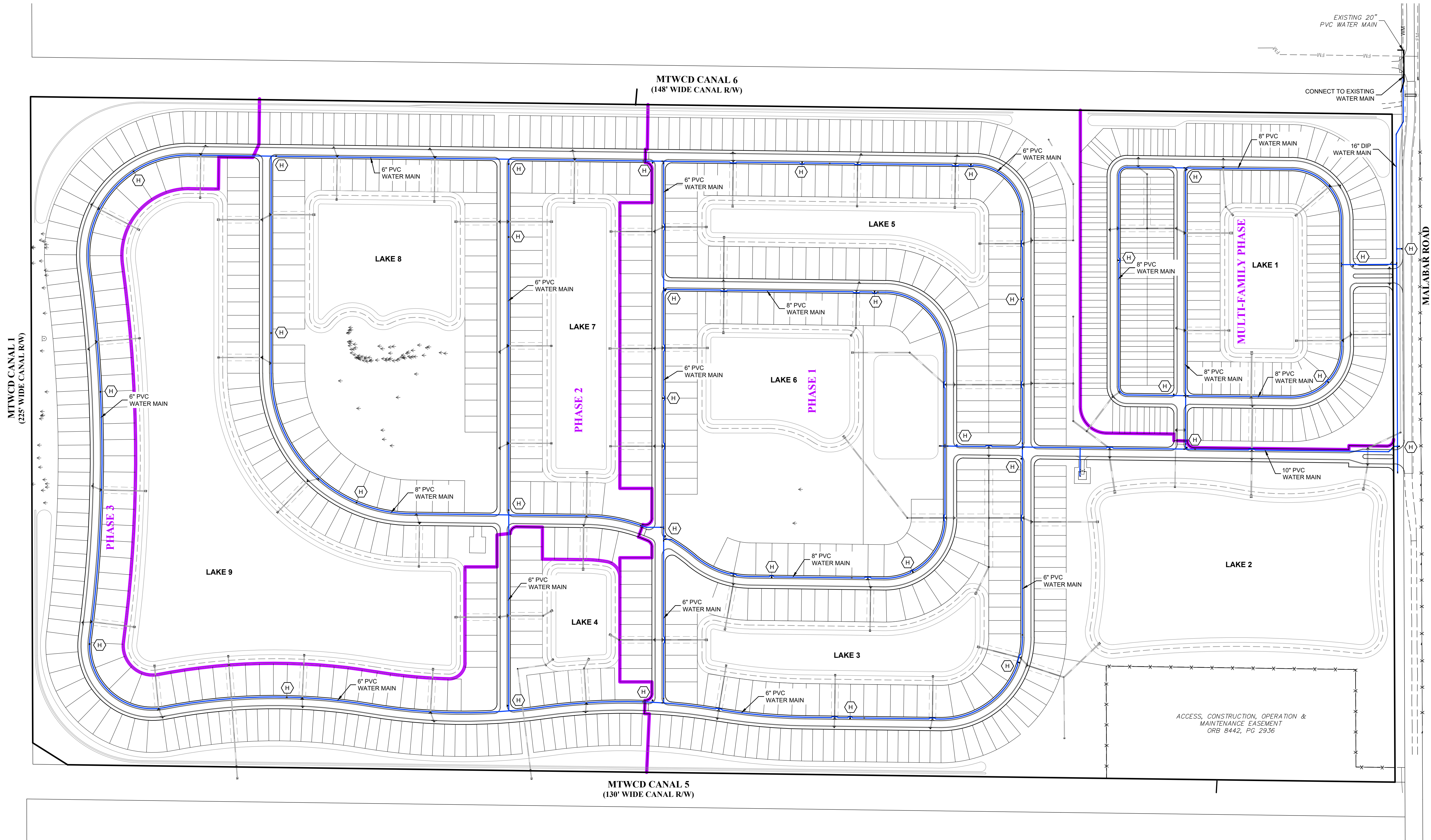
11604

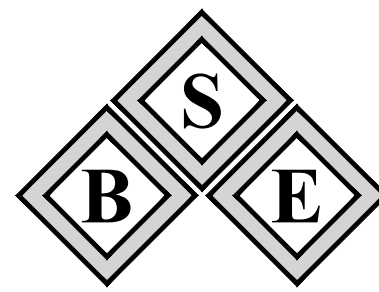
DRAWING NO.

11604_201_002

SHEET

1 of 1



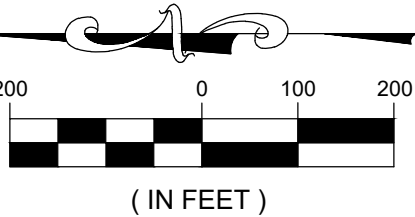


B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING -
LAND SURVEYING

312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901
PHONE (321) 725-3674 FAX (321) 723-1159
CERTIFICATE OF PROFESSIONAL ENGINEERS
BUSINESS AUTHORIZATION: 4905
CERTIFICATE OF LAND SURVEYING
BUSINESS AUTHORIZATION: LB0004605

SCOTT M. GLAUBITZ, P.E. & P.L.S.
STATE OF FLORIDA, No. 33659 No. 4151

HASSAN A. KAMAL, P.E.
STATE OF FLORIDA, No. 41951



△	
△	
△	
△	
△	
△	
△	
△	

DATE: 11/30/22
DESIGN/DRAWN: ALS/AH/DRB

PROJECT TITLE

**MALABAR
SPRINGS**

SHEET TITLE

**OVERALL
SANITARY SEWER
EXHIBIT**

PROJECT NO.

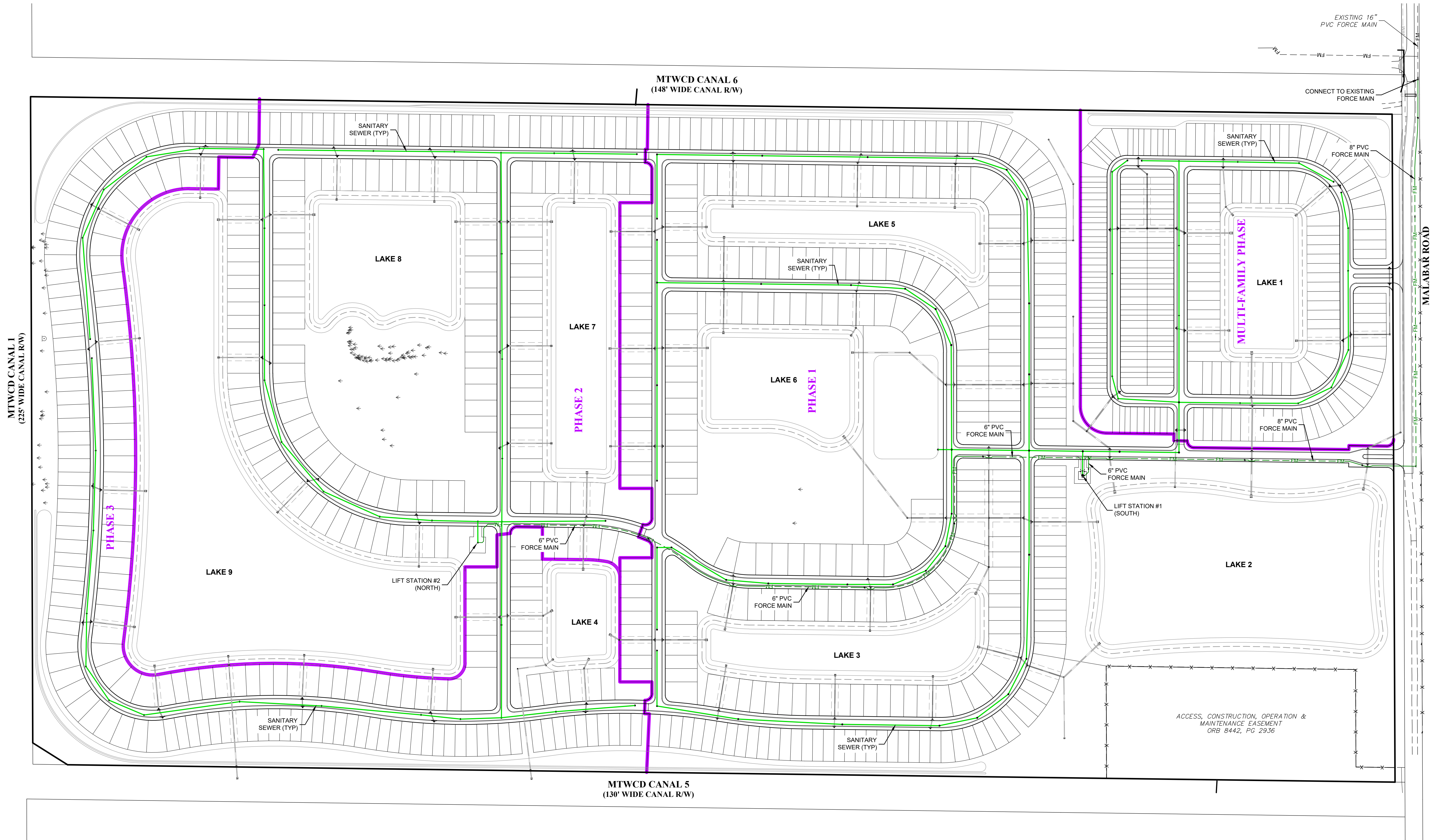
11604

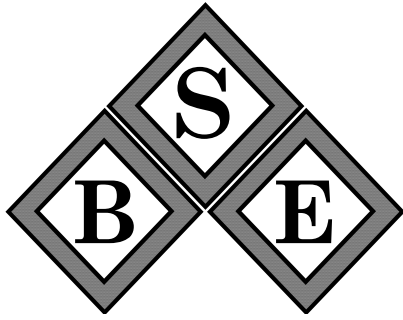
DRAWING NO.

11604_201_003

SHEET

1 of 1





APPENDIX F COST ESTIMATES

- **OFFSITE MALABAR ROAD**
- **MASS GRADING AND PHASE 1
INFRASTRUCTURE**
- **PHASE 2 INFRASTRUCTURE**
- **PHASE 3 INFRASTRUCTURE**
- **MULTI-FAMILY TRACT
INFRASTRUCTURE**

Malabar Springs Engineer's Opinion of Probable Cost Summary	
Item	Cost
Malabar Road Improvements	\$ 844,768.45
Mass Grading Improvements	\$ 5,983,953.00
Phase 1 Infrastructure Improvements	\$ 13,333,029.80
Future Phase 2 Infrastructure Improvements	\$ 3,531,608.50
Future Phase 3 Infrastructure Improvements	\$ 2,777,783.80
Future Multi-Family Tract Infrastructure Improvements	\$ 3,023,001.20
Future Amenity Infrastructure Improvements & Facility	\$ 3,250,000.00
Hardscape/Landscape/Irrigation (all Phases of Development)	\$ 1,693,155.00
Environmental Conservation/Mitigation	\$ 500,000.00
Professional Services	\$ 1,025,000.00
20% Contingency	\$ 7,192,459.95
Total Overall Cost	\$ 43,154,759.70

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST OFFSITE MALABAR ROAD IMPROVEMENTS				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - EARTHWORK, PAVING AND DRAINAGE				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
DEMOLITION	LS	1	\$ 15,000.00	\$ 15,000.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 7,500.00	\$ 7,500.00
SILT FENCE	LF	3,700	\$ 3.00	\$ 11,100.00
8" STABILIZED SUBGRADE (SHOULDER)	SY	1,247	\$ 3.75	\$ 4,676.25
12" STABILIZED SUBGRADE	SY		\$ 5.25	\$ -
10" BASE COURSE w/PRIME COAT	SY	5,237	\$ 22.00	\$ 115,214.00
3.5" TYPE SP 12.5 ASPHALTIC CONCRETE	SY	4,570	\$ 24.00	\$ 109,680.00
0.75" TYPE FC-5 OPEN GRADED FRICTION COURSE	SY	4,570	\$ 8.00	\$ 36,560.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	10,423	\$ 3.40	\$ 35,438.20
EXTEND EXISTING 84"x96" ARCH CMP	LF	24	\$ 1,000.00	\$ 24,000.00
8' x 6" CONCRETE SIDEWALK including 6" TYPE B STABILIZED SUBGRADE	LF	1,440	\$ 75.00	\$ 108,000.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	2	\$ 1,800.00	\$ 3,600.00
STRIPING and SIGNAGE	LS	1	\$ 10,000.00	\$ 10,000.00
CONSTRUCTION SURVEY	LS	1	\$ 25,000.00	\$ 25,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 1				\$ 488,268.45
PART 2 - SANITARY SEWER SYSTEM				
CONNECT TO EXISTING 8-INCH FORCE MAIN	LS	1	\$ 1,000.00	\$ 1,000.00
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	1,600	\$ 60.00	\$ 96,000.00
4" BLOW-OFF VALVE	EA	1	\$ 6,500.00	\$ 6,500.00
SUBTOTAL - PART 2				\$ 103,500.00
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
CONNECT TO EXISTING 20-INCH WATER MAIN	LS	1	\$ 10,000.00	\$ 10,000.00
12" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	30	\$ 100.00	\$ 3,000.00
16" DIP WATER MAIN, INCLUDES FITTINGS & BENDS	LF	1,400	\$ 140.00	\$ 196,000.00
12" GATE VALVE & BOX ASSEMBLY	EA	1	\$ 5,000.00	\$ 5,000.00
16" GATE VALVE & BOX ASSEMBLY	EA	1	\$ 9,100.00	\$ 9,100.00
FIRE HYDRANT AND VALVE ASSEMBLY	EA	2	\$ 7,200.00	\$ 14,400.00

Malabar Springs				
ENGINEER'S OPINION OF PROBABLE COST				
OFFSITE MALABAR ROAD IMPROVEMENTS				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
4" BLOW-OFF ASSEMBLY	EA	1	\$ 6,500.00	\$ 6,500.00
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
WATER LINE TESTING	LS	1	\$ 6,000.00	\$ 6,000.00
<i>SUBTOTAL - PART 3</i>				\$ 253,000.00
<i>TOTAL - MALABAR ROAD</i>				\$ 844,768.45

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MASS GRADING and PHASE 1 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 15,000.00	\$ 15,000.00
DEMOLITION	LS	1	\$ 12,000.00	\$ 12,000.00
SILT FENCE	LF	15,155	\$ 3.00	\$ 45,465.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 25,000.00	\$ 25,000.00
CLEARING & GRUBBING - SITE less TREE PRESERVE AREAS	AC	272.30	\$ 1,500.00	\$ 408,450.00
TREE PRESERVE AREA CLEAN-UP	AC	12.70	\$ 2,000.00	\$ 25,400.00
POND EXCAVATION (includes FILL PLACEMENT, GRADING & COMPACTION) NO SOIL COMPACTION WAS APPLIED	CY	1,210,387	\$ 4.00	\$ 4,841,548.00
FINAL GRADE - LOT AREAS	EA	317	\$ 500.00	\$ 158,500.00
SEED AND MULCH - LOT AREAS (Includes fertilizing, rolling, and watering)	AC	100.30	\$ 1,400.00	\$ 140,420.00
SEED AND MULCH - FUTURE ROAD R/W AREAS (Includes fertilizing, rolling, and watering)	AC	17.40	\$ 1,400.00	\$ 24,360.00
BAHIA SOD LAKE BANKS FROM TOB TO 2' BELOW NWL (Includes fertilizing, rolling, and watering)	SY	84,650	\$ 3.40	\$ 287,810.00
SUBTOTAL - PART 1				\$ 5,983,953.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	39,122	\$ 4.50	\$ 176,049.00
8" BASE COURSE w/PRIME COAT	SY	32,689	\$ 17.00	\$ 555,713.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	32,689	\$ 13.00	\$ 424,957.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	250	\$ 21.00	\$ 5,250.00
TYPE F CURB	LF	2,700	\$ 30.00	\$ 81,000.00
MIAMI CURB	LF	20,200	\$ 20.00	\$ 404,000.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	17,422	\$ 3.40	\$ 59,234.80
24" RCP	LF	3,072	\$ 98.00	\$ 301,056.00
30" RCP	LF	8,782	\$ 125.00	\$ 1,097,750.00
36" RCP	LF	6,752	\$ 170.00	\$ 1,147,840.00
42" RCP	LF	9,908	\$ 225.00	\$ 2,229,300.00
48" RCP	LF	2,360	\$ 265.00	\$ 625,400.00
24" MES	EA	1	\$ 7,000.00	\$ 7,000.00
30" MES	EA	22	\$ 7,500.00	\$ 165,000.00
36" MES	EA	20	\$ 8,500.00	\$ 170,000.00
42" MES	EA	17	\$ 10,000.00	\$ 170,000.00
48" MES	EA	4	\$ 12,000.00	\$ 48,000.00
TYPE 4 INLET	EA	31	\$ 10,000.00	\$ 310,000.00
TYPE 4 INLET BOTTOM ONLY w/TEMP TOP (MASS GRADING)	EA	44	\$ 8,000.00	\$ 352,000.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MASS GRADING and PHASE 1 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
TYPE 2 INLET	EA	6	\$ 9,000.00	\$ 54,000.00
TYPE 2 INLET BOTTOM ONLY w/TEMP TOP (MASS GRADING)	EA	1	\$ 6,500.00	\$ 6,500.00
TYPE D INLET	EA	16	\$ 10,500.00	\$ 168,000.00
JUNCTION BOX	EA	1	\$ 10,500.00	\$ 10,500.00
CONTROL STRUCTURE	EA	2	\$ 20,000.00	\$ 40,000.00
CONNECTION TO MTWCD CANAL C-5	EA	2	\$ 15,000.00	\$ 30,000.00
5' x 6" CONCRETE SIDEWALK	LF	22,890	\$ 42.00	\$ 961,380.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	18	\$ 1,800.00	\$ 32,400.00
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$200,000.00	\$ 200,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$200,000.00	\$ 200,000.00
SUBTOTAL - PART 2				\$ 10,087,329.80
PART 3 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,316	\$ 35.00	\$ 46,060.00
8" PVC SANITARY SEWER (6'-8')	LF	2,587	\$ 50.00	\$ 129,350.00
8" PVC SANITARY SEWER (8'-10')	LF	1,725	\$ 55.00	\$ 94,875.00
8" PVC SANITARY SEWER (10'-12')	LF	1,250	\$ 65.00	\$ 81,250.00
8" PVC SANITARY SEWER (12'-14')	LF	2,634	\$ 85.00	\$ 223,890.00
8" PVC SANITARY SEWER (14'-16')	LF	670	\$ 110.00	\$ 73,700.00
8" PVC SANITARY SEWER (16'-18')	LF	201	\$ 175.00	\$ 35,175.00
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	8	\$ 5,500.00	\$ 44,000.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	8	\$ 7,000.00	\$ 56,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	6	\$ 8,250.00	\$ 49,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	9	\$ 9,750.00	\$ 87,750.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	1	\$ 12,000.00	\$ 12,000.00
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	8	\$ 14,000.00	\$ 112,000.00
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	2	\$ 16,000.00	\$ 32,000.00
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	1	\$ 18,500.00	\$ 18,500.00
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	1	\$ 20,000.00	\$ 20,000.00
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	2,200	\$ 51.00	\$ 112,200.00
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	1,140	\$ 60.00	\$ 68,400.00
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	1	\$400,000.00	\$ 400,000.00
SINGLE SERVICE LINE	EA	44	\$ 1,250.00	\$ 55,000.00
DOUBLE SERVICE LINE	EA	137	\$ 1,400.00	\$ 191,800.00
6" GATE VALVE ASSEMBLY	EA	1	\$ 2,200.00	\$ 2,200.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MASS GRADING and PHASE 1 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
8" GATE VALVE ASSEMBLY	EA	1	\$ 3,000.00	\$ 3,000.00
6" PLUG and CAP	EA	1	\$ 2,000.00	\$ 2,000.00
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 3				\$ 1,990,650.00
PART 4 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	6,680	\$ 45.00	\$ 300,600.00
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	3,220	\$ 60.00	\$ 193,200.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	1,700	\$ 150.00	\$ 255,000.00
6" GATE VALVE & BOX ASSEMBLY	EA	15	\$ 2,250.00	\$ 33,750.00
8" GATE VALVE & BOX ASSEMBLY	EA	9	\$ 3,000.00	\$ 27,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	5	\$ 4,000.00	\$ 20,000.00
FIRE HYDRANT AND VALVE ASSEMBLY	EA	14	\$ 7,200.00	\$ 100,800.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	5	\$ 4,500.00	\$ 22,500.00
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
SINGLE SERVICE CONNECTION	EA	75	\$ 1,200.00	\$ 90,000.00
DOUBLE SERVICE CONNECTION	EA	121	\$ 1,500.00	\$ 181,500.00
WATER SOURCE TO LIFT STATION	EA	1	\$ 1,200.00	\$ 1,200.00
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 4				\$ 1,255,050.00
SUBTOTAL - PARTS 2 through 4				\$ 13,333,029.80
PART 5 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$430,000.00	\$ 430,000.00
6-ft wide ASPHALT TRAIL	LF	4,300	\$ 21.00	\$ 90,300.00
ENTRANCE SIGNAGE & WALLS	LS	1	\$250,000.00	\$ 250,000.00
				\$ -
SUBTOTAL - PART 5				\$ 770,300.00
TOTAL - MASS GRADING + PHASE 1				\$ 14,103,329.80

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 2 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 15,000.00	\$ 15,000.00
FINAL GRADE - LOT AREAS	EA	159	\$ 500.00	\$ 79,500.00
<i>SUBTOTAL - PART 1</i>				\$ 102,000.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	17,467	\$ 4.50	\$ 78,601.50
8" BASE COURSE w/PRIME COAT	SY	14,456	\$ 17.00	\$ 245,752.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	14,456	\$ 13.00	\$ 187,928.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	0	\$ 21.00	\$ -
TYPE F CURB	LF	0	\$ 30.00	\$ -
MIAMI CURB	LF	10,844	\$ 20.00	\$ 216,880.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	7,230	\$ 3.40	\$ 24,582.00
24" RCP	LF	279	\$ 98.00	\$ 27,342.00
30" RCP	LF	36	\$ 125.00	\$ 4,500.00
36" RCP	LF	0	\$ 170.00	\$ -
42" RCP	LF	0	\$ 225.00	\$ -
48" RCP	LF	0	\$ 265.00	\$ -
24" MES	EA	0	\$ 7,000.00	\$ -
30" MES	EA	0	\$ 7,500.00	\$ -
36" MES	EA	0	\$ 8,500.00	\$ -
42" MES	EA	0	\$ 10,000.00	\$ -
48" MES	EA	0	\$ 12,000.00	\$ -
TYPE 4 INLET	EA	6	\$ 10,000.00	\$ 60,000.00
TYPE 4 INLET TOP (BOTTOMS PLACED WITH MASS GRADING)	EA	6	\$ 8,000.00	\$ 48,000.00
TYPE 2 INLET	EA	1	\$ 9,000.00	\$ 9,000.00
TYPE 2 INLET TOP (BOTTOM PLACED WITH MASS GRADING)	EA	1	\$ 6,500.00	\$ 6,500.00
TYPE D INLET	EA	0	\$ 10,500.00	\$ -
JUNCTION BOX	EA	0	\$ 10,500.00	\$ -

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 2 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
5' x 6" CONCRETE SIDEWALK	LF	10,844	\$ 42.00	\$ 455,448.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	8	\$ 1,800.00	\$ 14,400.00
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$ 94,000.00	\$ 94,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 94,000.00	\$ 94,000.00
SUBTOTAL - PART 1				\$ 1,621,933.50
PART 2 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,390	\$ 35.00	\$ 48,650.00
8" PVC SANITARY SEWER (6'-8')	LF	374	\$ 50.00	\$ 18,700.00
8" PVC SANITARY SEWER (8'-10')	LF	1,012	\$ 55.00	\$ 55,660.00
8" PVC SANITARY SEWER (10'-12')	LF	957	\$ 65.00	\$ 62,205.00
8" PVC SANITARY SEWER (12'-14')	LF	758	\$ 85.00	\$ 64,430.00
8" PVC SANITARY SEWER (14'-16')	LF	474	\$ 110.00	\$ 52,140.00
8" PVC SANITARY SEWER (16'-18')	LF	367	\$ 175.00	\$ 64,225.00
8" PVC SANITARY SEWER (18'-20')	LF	556	\$ 210.00	\$ 116,760.00
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	5	\$ 5,500.00	\$ 27,500.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	2	\$ 7,000.00	\$ 14,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	3	\$ 8,250.00	\$ 24,750.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	2	\$ 9,750.00	\$ 19,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	0	\$ 12,000.00	\$ -
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	3	\$ 14,000.00	\$ 42,000.00
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	2	\$ 16,000.00	\$ 32,000.00
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	2	\$ 18,500.00	\$ 37,000.00
STAN. SAN. SEWER MANHOLE (18'-20') - 5' diameter	EA	3	\$ 22,000.00	\$ 66,000.00
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	0	\$ 20,000.00	\$ -
STAN. SAN. SEWER DROP MANHOLE (18'-20') - 5' diameter	EA	1	\$ 24,000.00	\$ 24,000.00
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	650	\$ 51.00	\$ 33,150.00
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 60.00	\$ -
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	1	\$400,000.00	\$ 400,000.00
SINGLE SERVICE LINE	EA	31	\$ 1,250.00	\$ 38,750.00
DOUBLE SERVICE LINE	EA	64	\$ 1,400.00	\$ 89,600.00
6" GATE VALVE ASSEMBLY	EA	1	\$ 2,200.00	\$ 2,200.00
8" GATE VALVE ASSEMBLY	EA	0	\$ 3,000.00	\$ -
6" PLUG and CAP	EA	0	\$ 2,000.00	\$ -
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 2				\$ 1,373,220.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 2 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,501	\$ 45.00	\$ 112,545.00
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,871	\$ 60.00	\$ 172,260.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	0	\$ 150.00	\$ -
6" GATE VALVE & BOX ASSEMBLY	EA	3	\$ 2,250.00	\$ 6,750.00
8" GATE VALVE & BOX ASSEMBLY	EA	9	\$ 3,000.00	\$ 27,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	0	\$ 4,000.00	\$ -
FIRE HYDRANT AND VALVE ASSEMBLY	EA	6	\$ 7,200.00	\$ 43,200.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	2	\$ 4,500.00	\$ 9,000.00
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
SINGLE SERVICE CONNECTION	EA	35	\$ 1,200.00	\$ 42,000.00
DOUBLE SERVICE CONNECTION	EA	62	\$ 1,500.00	\$ 93,000.00
WATER SOURCE TO LIFT STATION	EA	1	\$ 1,200.00	\$ 1,200.00
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 3				\$ 536,455.00
TOTAL - PARTS 1 through 3				\$ 3,531,608.50
PART 4 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$410,000.00	\$ 410,000.00
6-ft wide ASPHALT TRAIL	LF	2,755	\$ 21.00	\$ 57,855.00
ENTRANCE SIGNAGE	LS	0		\$ -
				\$ -
SUBTOTAL - PART 4				\$ 467,855.00
TOTAL - PHASE 2				\$ 3,999,463.50

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 3 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 15,000.00	\$ 15,000.00
FINAL GRADE - LOT AREAS	EA	177	\$ 500.00	\$ 88,500.00
<i>SUBTOTAL - PART 1</i>				\$ 111,000.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	16,994	\$ 4.50	\$ 76,473.00
8" BASE COURSE w/PRIME COAT	SY	14,064	\$ 17.00	\$ 239,088.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	14,064	\$ 13.00	\$ 182,832.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	0	\$ 21.00	\$ -
TYPE F CURB	LF	0	\$ 30.00	\$ -
MIAMI CURB	LF	10,548	\$ 20.00	\$ 210,960.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	7,032	\$ 3.40	\$ 23,908.80
24" RCP	LF	117	\$ 98.00	\$ 11,466.00
30" RCP	LF	219	\$ 125.00	\$ 27,375.00
36" RCP	LF	0	\$ 170.00	\$ -
42" RCP	LF	0	\$ 225.00	\$ -
48" RCP	LF	0	\$ 265.00	\$ -
24" MES	EA	0	\$ 7,000.00	\$ -
30" MES	EA	0	\$ 7,500.00	\$ -
36" MES	EA	0	\$ 8,500.00	\$ -
42" MES	EA	0	\$ 10,000.00	\$ -
48" MES	EA	0	\$ 12,000.00	\$ -
TYPE 4 INLET	EA	2	\$ 10,000.00	\$ 20,000.00
TYPE 4 INLET TOP (BOTTOMS PLACED WITH MASS GRADING)	EA	11	\$ 8,000.00	\$ 88,000.00
TYPE 2 INLET	EA	7	\$ 9,000.00	\$ 63,000.00
TYPE 2 INLET TOP (BOTTOM PLACED WITH MASS GRADING)	EA	0	\$ 6,500.00	\$ -
TYPE D INLET	EA	0	\$ 10,500.00	\$ -
JUNCTION BOX	EA	0	\$ 10,500.00	\$ -

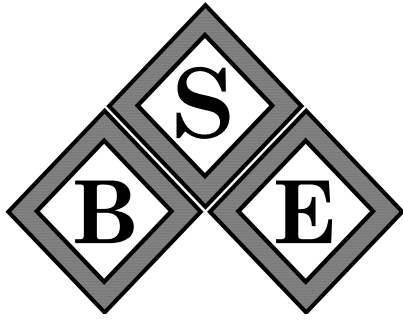
Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 3 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
5' x 6" CONCRETE SIDEWALK	LF	10,548	\$ 42.00	\$ 443,016.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	0	\$ 1,800.00	\$ -
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$ 78,000.00	\$ 78,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 78,000.00	\$ 78,000.00
SUBTOTAL - PART 1				\$ 1,597,118.80
PART 2 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,228	\$ 35.00	\$ 42,980.00
8" PVC SANITARY SEWER (6'-8')	LF	1,210	\$ 50.00	\$ 60,500.00
8" PVC SANITARY SEWER (8'-10')	LF	352	\$ 55.00	\$ 19,360.00
8" PVC SANITARY SEWER (10'-12')	LF	503	\$ 65.00	\$ 32,695.00
8" PVC SANITARY SEWER (12'-14')	LF	307	\$ 85.00	\$ 26,095.00
8" PVC SANITARY SEWER (14'-16')	LF	522	\$ 110.00	\$ 57,420.00
8" PVC SANITARY SEWER (16'-18')	LF	501	\$ 175.00	\$ 87,675.00
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	6	\$ 5,500.00	\$ 33,000.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	3	\$ 7,000.00	\$ 21,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	2	\$ 8,250.00	\$ 16,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	2	\$ 9,750.00	\$ 19,500.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	0	\$ 12,000.00	\$ -
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	2	\$ 14,000.00	\$ 28,000.00
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	2	\$ 16,000.00	\$ 32,000.00
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	0	\$ 18,500.00	\$ -
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	1	\$ 20,000.00	\$ 20,000.00
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 51.00	\$ -
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 60.00	\$ -
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	0	\$400,000.00	\$ -
SINGLE SERVICE LINE	EA	31	\$ 1,250.00	\$ 38,750.00
DOUBLE SERVICE LINE	EA	73	\$ 1,400.00	\$ 102,200.00
6" GATE VALVE ASSEMBLY	EA	0	\$ 2,200.00	\$ -
8" GATE VALVE ASSEMBLY	EA	0	\$ 3,000.00	\$ -
6" PLUG and CAP	EA	0	\$ 2,000.00	\$ -
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 2				\$ 677,675.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST PHASE 3 INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,228	\$ 45.00	\$ 100,260.00
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	2,893	\$ 60.00	\$ 173,580.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	0	\$ 150.00	\$ -
6" GATE VALVE & BOX ASSEMBLY	EA	3	\$ 2,250.00	\$ 6,750.00
8" GATE VALVE & BOX ASSEMBLY	EA	3	\$ 3,000.00	\$ 9,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	0	\$ 4,000.00	\$ -
FIRE HYDRANT AND VALVE ASSEMBLY	EA	5	\$ 7,200.00	\$ 36,000.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	0	\$ 4,500.00	\$ -
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	1	\$ 4,500.00	\$ 4,500.00
SINGLE SERVICE CONNECTION	EA	31	\$ 1,200.00	\$ 37,200.00
DOUBLE SERVICE CONNECTION	EA	73	\$ 1,500.00	\$ 109,500.00
WATER SOURCE TO LIFT STATION	EA	1	\$ 1,200.00	\$ 1,200.00
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 3				\$ 502,990.00
SUBTOTAL - PARTS 1 through 3				\$ 2,777,783.80
PART 4 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$205,000.00	\$ 205,000.00
6-ft wide ASPHALT TRAIL	LF	0	\$ 21.00	\$ -
ENTRANCE SIGNAGE	LS	0		\$ -
				\$ -
SUBTOTAL - PART 4				\$ 205,000.00
TOTAL - PHASE 3				\$ 2,982,783.80

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MULTI-FAMILY TRACT INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 1 - CLEARING, MASS GRADING, and EARTHWORK				
MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 15,000.00	\$ 15,000.00
FINAL GRADE - LOT AREAS	EA	79	\$ 500.00	\$ 39,500.00
<i>SUBTOTAL - PART 1</i>				\$ 62,000.00
PART 2 - PAVING AND DRAINAGE				
10" STABILIZED SUBGRADE	SY	14,870	\$ 4.50	\$ 66,915.00
8" BASE COURSE w/PRIME COAT	SY	12,307	\$ 17.00	\$ 209,219.00
1.5" TYPE SP-9.5 ASPHALTIC CONCRETE	SY	12,307	\$ 13.00	\$ 159,991.00
TYPE A CURB (ENTRANCE MEDIAN)	LF	300	\$ 21.00	\$ 6,300.00
TYPE F CURB	LF	350	\$ 30.00	\$ 10,500.00
MIAMI CURB	LF	8,800	\$ 20.00	\$ 176,000.00
BAHIA SOD WITHIN ROAD R/W (Includes fertilizing, rolling, and watering)	SY	6,153	\$ 3.40	\$ 20,920.20
24" RCP	LF	412	\$ 98.00	\$ 40,376.00
30" RCP	LF	291	\$ 125.00	\$ 36,375.00
36" RCP	LF	361	\$ 170.00	\$ 61,370.00
42" RCP	LF	35	\$ 225.00	\$ 7,875.00
48" RCP	LF	277	\$ 265.00	\$ 73,405.00
24" MES	EA	0	\$ 7,000.00	\$ -
30" MES	EA	0	\$ 7,500.00	\$ -
36" MES	EA	0	\$ 8,500.00	\$ -
42" MES	EA	0	\$ 10,000.00	\$ -
48" MES	EA	0	\$ 12,000.00	\$ -
TYPE 4 INLET	EA	9	\$ 10,000.00	\$ 90,000.00
TYPE 4 INLET TOP (BOTTOMS PLACED WITH MASS GRADING)	EA	6	\$ 8,000.00	\$ 48,000.00
TYPE 2 INLET	EA	3	\$ 9,000.00	\$ 27,000.00
TYPE 2 INLET TOP (BOTTOM PLACED WITH MASS GRADING)	EA	0	\$ 6,500.00	\$ -
TYPE D INLET	EA	3	\$ 10,500.00	\$ 31,500.00
JUNCTION BOX	EA	0	\$ 10,500.00	\$ -

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MULTI-FAMILY TRACT INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
5' x 6" CONCRETE SIDEWALK	LF	8,800	\$ 42.00	\$ 369,600.00
CONCRETE HANDICAP RAMP w/TRUNCATED DOMES	EA	10	\$ 1,800.00	\$ 18,000.00
STRIPING and SIGNAGE	LS	1	\$ 25,000.00	\$ 25,000.00
CONDUIT PLACEMENT	LS	1	\$ 30,000.00	\$ 30,000.00
CONSTRUCTION SURVEY	LS	1	\$ 85,000.00	\$ 85,000.00
CONSTRUCTION AS-BUILTS	LS	1	\$ 85,000.00	\$ 85,000.00
SUBTOTAL - PART 1			\$ -	\$ 1,678,346.20
PART 2 - SANITARY SEWER SYSTEM				
8" PVC SANITARY SEWER (0'-6')	LF	1,019	\$ 35.00	\$ 35,665.00
8" PVC SANITARY SEWER (6'-8')	LF	1,259	\$ 50.00	\$ 62,950.00
8" PVC SANITARY SEWER (8'-10')	LF	1,076	\$ 55.00	\$ 59,180.00
8" PVC SANITARY SEWER (10'-12')	LF	744	\$ 65.00	\$ 48,360.00
8" PVC SANITARY SEWER (12'-14')	LF	0	\$ 85.00	\$ -
8" PVC SANITARY SEWER (14'-16')	LF	0	\$ 110.00	\$ -
8" PVC SANITARY SEWER (16'-18')	LF	0	\$ 175.00	\$ -
STAN. SAN. SEWER MANHOLE (0'-6') - 4' diameter	EA	5	\$ 5,500.00	\$ 27,500.00
STAN. SAN. SEWER MANHOLE (6'-8') - 4' diameter	EA	6	\$ 7,000.00	\$ 42,000.00
STAN. SAN. SEWER MANHOLE (8'-10') - 4' diameter	EA	5	\$ 8,250.00	\$ 41,250.00
STAN. SAN. SEWER MANHOLE (10'-12') - 4' diameter	EA	3	\$ 9,750.00	\$ 29,250.00
STAN. SAN. SEWER MANHOLE (10'-12') - 5' diameter	EA	0	\$ 12,000.00	\$ -
STAN. SAN. SEWER MANHOLE (12'-14') - 5' diameter	EA	0	\$ 14,000.00	\$ -
STAN. SAN. SEWER MANHOLE (14'-16') - 5' diameter	EA	0	\$ 16,000.00	\$ -
STAN. SAN. SEWER MANHOLE (16'-18') - 5' diameter	EA	0	\$ 18,500.00	\$ -
STAN. SAN. SEWER DROP MANHOLE (16'-18') - 5' diameter	EA	0	\$ 20,000.00	\$ -
6" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 51.00	\$ -
8" PVC FORCE MAIN INCLUDING FITTINGS	LF	0	\$ 60.00	\$ -
PUMP STATION INSTALLATION (COMPLETE) W/ TELEMETRY and BYPASS PUMP	LS	0	\$ 400,000.00	\$ -
SINGLE SERVICE LINE	EA	230	\$ 1,250.00	\$ 287,500.00
DOUBLE SERVICE LINE	EA	0	\$ 1,400.00	\$ -
6" GATE VALVE ASSEMBLY	EA	0	\$ 2,200.00	\$ -
8" GATE VALVE ASSEMBLY	EA	0	\$ 3,000.00	\$ -
6" PLUG and CAP	EA	0	\$ 2,000.00	\$ -
SEWER LINE TESTING	LS	1	\$ 40,000.00	\$ 40,000.00
SUBTOTAL - PART 2			\$	673,655.00

Malabar Springs ENGINEER'S OPINION OF PROBABLE COST MULTI-FAMILY TRACT INFRASTRUCTURE				
ITEM	UNIT	QUANTITIES	UNIT PRICE	TOTAL PRICE
PART 3 - POTABLE WATER DISTRIBUTION PLAN				
6" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	0	\$ 45.00	\$ -
8" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	4,000	\$ 60.00	\$ 240,000.00
10" PVC WATER MAIN, INCLUDES FITTINGS & BENDS	LF	400	\$ 150.00	\$ 60,000.00
6" GATE VALVE & BOX ASSEMBLY	EA	0	\$ 2,250.00	\$ -
8" GATE VALVE & BOX ASSEMBLY	EA	7	\$ 3,000.00	\$ 21,000.00
10" GATE VALVE & BOX ASSEMBLY	EA	1	\$ 4,000.00	\$ 4,000.00
FIRE HYDRANT AND VALVE ASSEMBLY	EA	5	\$ 7,200.00	\$ 36,000.00
2" TEMPORARY BLOW-OFF ASSEMBLY	EA	0	\$ 4,500.00	\$ -
2" TEMPORARY JUMPER & METER ASSEMBLY	EA	2	\$ 4,500.00	\$ 9,000.00
SINGLE SERVICE CONNECTION	EA	230	\$ 1,200.00	\$ 276,000.00
DOUBLE SERVICE CONNECTION	EA	0	\$ 1,500.00	\$ -
WATER SOURCE TO LIFT STATION	EA	0	\$ 1,200.00	\$ -
WATER LINE TESTING	LS	1	\$ 25,000.00	\$ 25,000.00
SUBTOTAL - PART 3				\$ 671,000.00
SUBTOTAL - PARTS 1 through 3				\$ 3,023,001.20
PART 4 - LANDSCAPE, IRRIGATION, HARDSCAPE and SIGNAGE				
LANDSCAPING & IRRIGATION SYSTEM	LS	1	\$ 200,000.00	\$ 200,000.00
6-ft wide ASPHALT TRAIL	LF	0	\$ 21.00	\$ -
ENTRANCE SIGNAGE	LS	1	\$ 50,000.00	\$ 50,000.00
				\$ -
SUBTOTAL - PART 4				\$ 250,000.00
TOTAL - MULTI-FAMILY TRACT				\$ 3,273,001.20



APPENDIX G
PROPOSED TIMETABLE FOR CONSTRUCTION OF DISTRICT SERVICES

Malabar Springs	
ESTIMATED TIMETABLE FOR CONSTRUCTION	
PHASE OF DEVELOPMENT	Fiscal Year
Malabar Road and Phase 1 Mass Grading	2023
Phase 1 Infrastructure	2023
Multi-Family Tract Infrastructure	2024
Phase 2 Infrastructure	2025
Amenity Infrastructure	2025
Phase 3 Infrastructure	2026

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

5D

MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT

Master Special Assessment Methodology Report

December 14, 2022



Provided by:

Wrathell, Hunt and Associates, LLC

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: www.whhassociates.com

Table of Contents

1.0	Introduction	
1.1	Purpose	1
1.2	Scope of the Report	1
1.3	Special Benefits and General Benefits	1
1.4	Organization of the Report	2
2.0	Development Program	
2.1	Overview	2
2.2	The Development Program	2
3.0	The Capital Improvement Plan	
3.1	Overview	3
3.2	The CIP	3
4.0	Financing Program	
4.1	Overview	3
4.2	Types of Bonds Proposed	4
5.0	Assessment Methodology	
5.1	Overview	5
5.2	Benefit Allocation	5
5.3	Assigning Debt	6
5.4	Lienability Test: Special and Peculiar Benefit to the Property	7
5.5	Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay	8
5.6	True-Up Mechanism	8
5.7	Assessment Roll	10
5.8	Additional Items Regarding Bond Assessment Imposition and Allocation	10
6.0	Additional Stipulations	
6.1	Overview	11
7.0	Appendix	
	Table 1	13
	Table 2	13
	Table 3	14
	Table 4	14
	Table 5	15

1.0 Introduction

1.1 Purpose

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

1.2 Scope of the Report

This Report presents the projections for financing the District's Capital Improvement Plan described in the Engineer's Report developed by B.S.E. Consultants, Inc. (the "District Engineer") and dated December 2022 (the "Engineer's Report"), as well as describes the method for the allocation of special benefits and the apportionment of special assessment debt resulting from the provision and funding of the CIP.

1.3 Special Benefits and General Benefits

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

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

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

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

1.4 Organization of the Report

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

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

Section Four discusses the financing program for the District.

Section Five introduces the special assessment methodology for the District.

2.0 Development Program

2.1 Overview

The District will serve the Malabar Springs development, a master planned residential development located in the City of Palm Bay, Brevard County, Florida. The land within the District consists of approximately 283.37 +/- acres and is generally located on the north side of Malabar Road, west of St. Johns Heritage Parkway (SJHP), immediately west of Heritage high school and between the Melbourne-Tillman Water Control District (MTWCD) C-5 and C-6 Canals.

2.2 The Development Program

The development of Malabar Springs is anticipated to be conducted by CRE-KL Malabar Owner, LLC or an affiliated entity (the "Developer"). Based upon the information provided by the Developer and the District Engineer, the current development plan envisions a total of 885 residential dwelling units developed over a multi-year period in one or more development phases, although unit numbers, land use types and phasing may change throughout the development period. Table 1 in the *Appendix* illustrates the development plan for Malabar Springs.

3.0 The Capital Improvement Plan

3.1 Overview

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

3.2 The CIP

The public infrastructure improvements which are part of the CIP and are needed to serve the Development are projected to consist of improvements which will serve all of the lands in the District. The District, however, reserves the right to create distinct assessment areas to coincide with the phases of development. The CIP will consist of Malabar Road improvements, mass grading improvements, Phase 1 infrastructure improvements, Phase 2 infrastructure improvements, Phase 3 infrastructure improvements, multi-family tract infrastructure improvements, amenity infrastructure improvements & facility, hardscape/ landscape/ irrigation (all phases of Development), and environmental conservation/ mitigation, the costs of which, along with contingencies and professional services, were estimated by the District Engineer at \$43,154,759.70.

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

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

4.0 Financing Program

4.1 Overview

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

Developer, although the District maintains the complete flexibility to either acquire the public infrastructure from the Developer or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include multiple series of bonds, it is likely that in order to fully fund costs of the CIP as described in *Section 3.2* in one financing transaction, the District would have to issue approximately \$59,370,000 in par amount of special assessment bonds (the "Bonds").

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

4.2 Types of Bonds Proposed

The proposed financing plan for the District provides for the issuance of the Bonds in the approximate principal amount of \$59,370,000 to finance approximately \$43,154,759.70 in CIP costs. The Bonds as projected under this financing plan would be structured to be amortized in 30 annual installments following a 24-month capitalized interest period. Interest payments on the Bonds would be made every May 1 and November 1, and principal payments on the Bonds would be made either on May 1 or on November 1.

In order to finance the improvement and other costs, the District would need to borrow more funds and incur indebtedness in the total amount of approximately \$59,370,000. The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and costs of issuance. Preliminary sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

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

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the District with funds necessary to construct/acquire the infrastructure improvements which are part of the CIP outlined in *Section 3.2* and described in more detail by the District Engineer in the Engineer's Report. These improvements lead to special and general benefits, with special benefits accruing to the assessable properties within the boundaries of the District and general benefits accruing to areas outside the District but being only incidental in nature. The debt incurred in financing the public infrastructure will be secured by assessing properties that derive special and peculiar benefits from the CIP. All properties that receive special benefits from the CIP will be assessed for their fair share of the debt issued in order to finance all or a portion of the CIP.

5.2 Benefit Allocation

The most current development plan envisions the development of 885 residential dwelling units, although, unit numbers and land use types may change throughout the development period.

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

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

As stated previously, the public infrastructure improvements included in the CIP have a logical connection to the special and peculiar benefits received by the land within the District, as without such improvements, the development of the properties within the District would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to the land within the District, the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem assessments, to the land receiving such special and peculiar

benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is more valuable than the cost of, or the actual non-ad valorem assessment amount levied on that parcel.

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

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

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

5.3 Assigning Debt

The Bond Assessments associated with repayment of the Bonds will initially be levied on all of the gross acres of land in the District. Consequently, the Bond Assessments will initially be levied on approximately 283.37 +/- gross acres on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$59,370,000 will be preliminarily levied on approximately 283.37 +/- gross acres at a rate of \$209,514.06 per acre.

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

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

5.4 Lienability Test: Special and Peculiar Benefit to the Property

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

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

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

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

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

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

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

5.6 True-Up Mechanism

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

- a. If a Proposed Plat results in the same amount of ERUs (and thus Debt Assessments) able to be imposed on the "Remaining Unplatted Lands" (i.e., those remaining unplatted lands after the Proposed Plat is recorded) as compared to what was originally contemplated under the Development Plan, then the District shall allocate the Debt Assessments to the product types being platted and the remaining property in accordance with this Report, and cause the Debt Assessments to be recorded in the District's Improvement Lien Book.
- b. If a Proposed Plat results in a greater amount of ERUs (and thus Debt Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District may undertake a pro rata reduction of Debt Assessments for all assessed properties within the Property, or may otherwise address such net decrease as permitted by law.
- c. If a Proposed Plat results in a lower amount of ERUs (and thus Debt Assessments) able to be imposed on the Remaining Unplatted Lands as compared to what was originally contemplated under the Development Plan, then the District shall require the landowner(s) of the lands encompassed by the Proposed Plat to pay

a “True-Up Payment” equal to the difference between: (i) the Debt Assessments originally contemplated to be imposed on the lands subject to the Proposed Plat, and (ii) the Debt Assessments able to be imposed on the lands subject to the Proposed Plat, after the Proposed Plat (plus applicable interest, collection costs, penalties, etc.).¹

With respect to the foregoing true-up analysis, the District’s Assessment Consultant, in consultation with the District Engineer, District Counsel and District Bond Counsel, shall determine in his or her sole discretion what amount of ERUs (and thus Debt Assessments) are able to be imposed on the Remaining Unplatted Lands, taking into account a Proposed Plat, by reviewing: a) the original, overall development plan showing the number and type of units reasonably planned for the development, b) the revised, overall development plan showing the number and type of units reasonably planned for the development, c) proof of the amount of entitlements for the Remaining Unplatted Lands, d) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and e) documentation that shows the feasibility of implementing the proposed development plan. Prior to any decision by the District not to impose a true-up payment, a supplemental methodology shall be produced demonstrating that there will be sufficient assessments to pay debt service on the applicable series of bonds and the District will conduct new proceedings under Chapters 170, 190 and 197, Florida Statutes upon the advice of District Counsel.

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

¹ For example, if the first platting includes 126 Townhomes, 106 Villas, 212 Single Family 40’ lots, 302 Single Family 50’ lots, and 119 Single Family 60’ lots, which equates to a total allocation of \$57,835,098.24 in Bond Assessments, then the remaining unplatted land would be required to absorb 20 Single Family 50’ lots, which equates to \$1,534,901.76 in Bond Assessments. If the remaining unplatted land would only be able to absorb 10 instead of 20 Single Family 50’ lots or \$767,450.88 in Bond Assessments, then a true-up, payable by the owner of the unplatted land, would be due in the amount of \$767,450.88 in Bond Assessments plus applicable accrued interest to the extent described in this Section.

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

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

5.7 Assessment Roll

The Bond Assessments of \$59,370,000 are proposed to be levied over the area described in Exhibit "A". Excluding any capitalized interest period, debt service assessments shall be paid in thirty (30) annual principal installments.

5.8 Additional Items Regarding Bond Assessment Imposition and Allocation

This master assessment allocation methodology is intended to establish the necessary benefit and fair and reasonable allocation findings for a master assessment lien, which may give rise to one or more individual assessment liens relating to individual bond issuances necessary to fund all or a portion of the project(s) referenced herein comprising the CIP. All such liens shall be within the benefit limits established herein and using the allocation methodology described herein, and shall be described in one or more supplemental reports.

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

As set forth in any supplemental report, and for any particular bond issuance, the Developer may opt to "buy down" the Bond

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

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

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

6.0 Additional Stipulations

6.1 Overview

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

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

7.0 Appendix

Table 1

Malabar Springs Community Development District

Development Plan

Product Type	Total Number of Units
Townhome	126
Villa	106
SF 40'	212
SF 50'	322
SF 60'	119
Total	885

Table 2

Malabar Springs Community Development District

Project Costs

Improvement	Total Costs
Malabar Road Improvements	\$844,768.45
Mass Grading Improvements	\$5,983,953.00
Phase 1 Infrastructure Improvements	\$10,087,329.80
Utilities (Water & Sewer)	\$3,245,700.00
Phase 2 Infrastructure Improvements	\$1,621,933.50
Utilities (Water & Sewer)	\$1,909,675.00
Phase 3 Infrastructure Improvements	\$1,597,118.80
Utilities (Water & Sewer)	\$1,180,665.00
Multi-Family Tract Infrastructure Improvements	\$1,678,346.20
Utilities (Water & Sewer)	\$1,344,655.00
Amenity Infrastructure Improvements & Facility	\$3,250,000.00
Hardscape/ Landscape/ Irrigation (all Phases of Development)	\$1,693,155.00
Environmental Conservation/ Mitigation	\$500,000.00
Professional Services	\$1,025,000.00
20% Contingency	\$7,192,459.95
Total	\$43,154,759.70

Table 3

Malabar Springs

Community Development District

Preliminary Sources and Uses of Funds

Sources

Bond Proceeds:	
Par Amount	\$59,370,000.00
Total Sources	\$59,370,000.00

Uses

Project Fund Deposits:	
Project Fund	\$43,154,759.70
Other Fund Deposits:	
Debt Service Reserve Fund	\$5,273,684.72
Capitalized Interest Fund	\$9,499,200.00
Delivery Date Expenses:	
Costs of Issuance	\$1,437,400.00
Rounding	\$4,955.58
Total Uses	\$59,370,000.00

Table 4

Malabar Springs

Community Development District

Benefit Allocation

Product Type	Total Number of Units	ERU Weight	Total ERU
Townhome	126	0.60	75.60
Villa	106	0.60	63.60
SF 40'	212	0.80	169.60
SF 50'	322	1.00	322.00
SF 60'	119	1.20	142.80
Total	885		773.60

Table 5

Malabar Springs

Community Development District

Bond Assessments Apportionment

Product Type	Total Number of Units	Total Cost Allocation*	Total Bond Assessments Apportionment	Bond Assessments Apportionment per Unit	Annual Debt Service Payment per Unit**
Townhome	126	\$4,217,295.54	\$5,801,928.65	\$46,047.05	\$4,351.32
Villa	106	\$3,547,883.55	\$4,880,987.59	\$46,047.05	\$4,351.32
SF 40'	212	\$9,461,022.81	\$13,015,966.91	\$61,396.07	\$5,801.76
SF 50'	322	\$17,962,555.10	\$24,711,918.30	\$76,745.09	\$7,252.20
SF 60'	119	\$7,966,002.70	\$10,959,198.55	\$92,094.11	\$8,702.64
Total	885	\$43,154,759.70	\$59,370,000.00		

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

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

Exhibit “A”

Bond Assessments in the total estimated amount of \$ 59,370,000 are proposed to be levied uniformly over the area described below:

DESCRIPTION FOR CDD:

PART OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3678, PAGE 2048 AND OFFICIAL RECORDS BOOK 3660, PAGE 1644, ALL RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND BEING PART OF THE WEST 1/2 OF SECTION 32, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID SECTION 32 AND RUN N00°44'16"E, ALONG THE EAST LINE OF SAID WEST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 70.01 FEET; THENCE S89°44'45"W, PARALLEL TO AND 37.00 FEET NORTH OF, (AS MEASURED PERPENDICULARLY), THE NORTH RIGHT-OF-WAY LINE OF MALABAR ROAD, A DISTANCE OF 74.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6, A 148.00 FOOT WIDE RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S89°44'45"W, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID MALABAR ROAD, A DISTANCE OF 2446.08 FEET TO THE EAST LINE OF THAT CERTAIN ACCESS, CONSTRUCTION, OPERATION AND MAINTENANCE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 8442, PAGE 2936, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) N00°44'59"E A DISTANCE OF 145.55 FEET; 2) THENCE N89°44'46"E A DISTANCE OF 365.06 FEET; 3) THENCE N00°47'19"E A DISTANCE OF 934.70 FEET; 4) THENCE S89°48'09"W A DISTANCE OF 420.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 5; THENCE N00°45'00"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3890.21 FEET; THENCE N32°05'43"E, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 153.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 1, A 225.00 FOOT WIDE RIGHT-OF-WAY; THENCE N89°48'04"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2419.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NO. 6; THENCE S00°44'16"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5098.43 FEET TO THE POINT OF BEGINNING. CONTAINING 283.37 ACRES, MORE OR LESS

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

5E

RESOLUTION 2023-28

[SECTION 170.08, F.S. DEBT ASSESSMENT RESOLUTION FOR MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT]

A RESOLUTION MAKING CERTAIN FINDINGS; AUTHORIZING A CAPITAL IMPROVEMENT PLAN; ADOPTING AN ENGINEER'S REPORT; PROVIDING AN ESTIMATED COST OF IMPROVEMENTS; ADOPTING AN ASSESSMENT REPORT; EQUALIZING, APPROVING, CONFIRMING AND LEVYING DEBT ASSESSMENTS; ADDRESSING THE FINALIZATION OF SPECIAL ASSESSMENTS; ADDRESSING THE PAYMENT OF DEBT ASSESSMENTS AND THE METHOD OF COLLECTION; PROVIDING FOR THE ALLOCATION OF DEBT ASSESSMENTS AND TRUE-UP PAYMENTS; ADDRESSING GOVERNMENT PROPERTY, AND TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE AND FEDERAL GOVERNMENT; AUTHORIZING AN ASSESSMENT NOTICE; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Malabar Springs Community Development District ("**District**") is a local unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*, as amended ("**Act**"); and

WHEREAS, the District has previously indicated its intention to construct certain types of improvements and to finance such improvements through the issuance of bonds, notes or other specific financing mechanisms, which bonds, notes or other specific financing mechanisms would be repaid by the imposition of special assessments on benefited property within the District; and

WHEREAS, the District's Board of Supervisors ("**Board**") has noticed and conducted a public hearing pursuant to Chapters 170, 190 and 197, *Florida Statutes*, relating to the imposition, levy, collection and enforcement of such assessments, and now desires to adopt a resolution imposing and levying such assessments as set forth herein.

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

1. **AUTHORITY.** This Resolution is adopted pursuant to Chapters 170, 190 and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*. The recitals stated above are incorporated herein; are adopted by the Board as true and correct statements; and are further declared to be findings made and determined by the Board.

2. **FINDINGS.** The Board further finds and determines as follows:

The Capital Improvement Plan

- a. The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct roadways, sewer and water distribution systems, stormwater management/earthwork

improvements, landscape, irrigation and entry features, conservation and mitigation, street lighting and other infrastructure projects and services necessitated by the development of, and serving lands within, the District; and

- b. On December 15, 2022, and pursuant to Section 170.03, *Florida Statutes*, among other laws, the Board adopted Resolution 2023-25 (“**Declaring Resolution**”), and in doing so determined to undertake a capital improvement plan to install, plan, establish, construct or reconstruct, enlarge, equip, acquire, operate and/or maintain the District’s capital improvements planned for the lands within the District (“**Project**”); and
- c. The Project is described in the Declaring Resolution and the *Engineering Report* dated December 2022 (“**Engineer’s Report**,” attached hereto as **Exhibit A** and incorporated herein by this reference), and the plans and specifications for the Project are on file in the offices of the District Manager at c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (“**District Records Office**”); and

The Debt Assessment Process

- d. Also as part of the Declaring Resolution, the Board expressed an intention to issue bonds, notes or other specific financing mechanisms to provide a portion of the funds needed for the Project, and further declared its intention to defray the whole or any part of the expense of the Projects by levying special assessments (“**Debt Assessments**”) on all benefited property within the District (“**Assessment Area**”); and
- e. The Declaring Resolution was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met; and
- f. As directed by the Declaring Resolution, said Declaring Resolution was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher’s affidavit of publication is on file with the Secretary of the District; and
- g. As directed by the Declaring Resolution, the Board caused to be made a preliminary assessment roll as required by Section 170.06, *Florida Statutes*; and
- h. As required by Section 170.07, *Florida Statutes*, and as part of the Declaring Resolution, the Board fixed the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein could appear before the Board and be heard as to (i) the propriety and advisability of making the improvements, (ii) the cost thereof, (iii) the manner of payment therefore, and (iv) the amount thereof to be assessed against each specially benefited property or parcel, and the Board further authorized publication of notice of such public hearing and individual mailed notice of such public hearing in accordance with Chapters 170, 190, and 197, *Florida Statutes*; and
- i. Notice of the scheduled public hearing was given by publication and also by mail as required by Sections 170.07 and 197.3632, *Florida Statutes*, and affidavits as to such publication and mailings are on file in the office of the Secretary of the District; and

- j. On February 21, 2023, and at the time and place specified in the Declaring Resolution, the Board conducted such public hearing and heard and considered all complaints and testimony as to the matters described above; the Board further met as an “Equalization Board;” and the Board has made such modifications in the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll; and

Equalization Board Additional Findings

- k. Having considered the estimated costs of the Projects, the estimated financing costs and all comments and evidence presented at such public hearing, the Board further finds and determines that:
 - i. It is necessary to the public health, safety and welfare and in the best interests of the District that: (1) the District provide the Project as set forth in the Engineer’s Report; (2) the cost of such Project be assessed against the lands specially benefited by such Project, and within the Assessment Area, as set forth in the Assessment Report; and (3) the District issue bonds, notes or other specific financing mechanisms to provide funds for such purposes pending the receipt of such Debt Assessments; and
 - ii. The provision of said Project, the levying of the Debt Assessments, and the sale and issuance of such bonds, notes, or other specific financing mechanisms serve a proper, essential, and valid public purpose and are in the best interests of the District, its landowners and residents; and
 - iii. The estimated costs of the Project is as specified in the Engineer’s Report and Assessment Report (defined below), and the amount of such costs is reasonable and proper; and
 - iv. It is reasonable, proper, just and right to assess the cost of such Projects against the properties specially benefited thereby in the Assessment Areas, using the method determined by the Board and set forth in the *Master Special Assessment Methodology Report*, dated December 14, 2022 (“**Assessment Report**,” attached hereto as **Exhibit B** and incorporated herein by this reference), which results in the Debt Assessments set forth on the final assessment roll; and
 - v. The Project benefits the Assessment Area as set forth in the Assessment Report; and
 - vi. Accordingly, the Debt Assessments as set forth in the Assessment Report constitute a special benefit to the applicable parcels of real property listed on said final assessment roll, and the benefit, in the case of each such parcel, will be equal to or in excess of the Debt Assessments imposed thereon, as set forth in **Exhibit B**; and
 - vii. All developable property within the Assessment Area is deemed to be benefited by the Project, and the Debt Assessments will be allocated in accordance with the Assessment Report at **Exhibit B**; and

- viii. The Debt Assessments are fairly and reasonably allocated across the benefitted property, as set forth in **Exhibit B**; and
- ix. It is in the best interests of the District that the Debt Assessments be paid and collected as herein provided; and
- x. In order to provide funds with which to pay the costs of the Project which are to be assessed against the benefitted properties, pending the collection of the Debt Assessments, it is necessary for the District to issue revenue bonds, notes or other specific financing mechanisms, including refunding bonds (together, "**Bonds**").

3. **AUTHORIZATION FOR THE PROJECT; ADOPTION OF ENGINEER'S REPORT.** The Engineer's Report identifies and describes the infrastructure improvements to be financed in part with the Bonds, and sets forth the cost of the Project. The District hereby confirms that the Project serves a proper, essential, and valid public purpose. The use of the Engineer's Report in connection with the sale of the Bonds is hereby authorized, approved and ratified, and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

4. **ESTIMATED COST OF IMPROVEMENTS.** The total estimated cost of the Project and the cost to be paid by the Debt Assessments on all specially benefitted property are set forth in **Exhibits A and B**, respectively, hereto.

5. **ADOPTION OF ASSESSMENT REPORT.** The Assessment Report setting forth the allocation of Debt Assessments to the benefitted lands within the Assessment Area is hereby approved, adopted, and confirmed. The District ratifies its use in connection with the sale of the Bonds.

6. **EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF DEBT ASSESSMENTS.** The Debt Assessments imposed on the parcels specially benefitted by the Project within the Assessment Area, all as specified in the final assessment roll set forth in **Exhibit B**, attached hereto, are hereby equalized, approved, confirmed and levied.

Immediately following the adoption of this Resolution, the lien of Debt Assessments as reflected in **Exhibit B**, attached hereto, shall be recorded by the Secretary of the District in the District's "**Improvement Lien Book.**" The Debt Assessments levied against each respective parcel shown on such final assessment roll and interest, costs, and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel, coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

- a. ***Supplemental Assessment Resolutions for Bonds.*** The lien for the Debt Assessments established hereunder shall be inchoate until the District issues Bonds. In connection with the issuance of any particular series of the Bonds, the District may adopt, without the need for further public hearing, a supplemental assessment resolution establishing specific Debt Assessments, in one or more separately enforceable Debt Assessment liens, securing such Bonds. Such subsequent resolutions shall be adopted at a noticed meeting of the District, and shall set forth the actual amounts financed, costs of issuance, expected costs of collection, and the total amount of the assessments pledged to that issue, which amount shall be consistent with the lien imposed by this Resolution. Among other things,

the supplemental assessment resolutions may provide for the issuance of multiple series of Bonds each secured by the Assessment Area.

- b. **Adjustments to Debt Assessments.** The District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary and in the best interests of the District, as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law.
- c. **Contributions.** In connection with the issuance of a series of the Bonds, the project developer may request that any related Debt Assessments be reduced for certain product types. To accomplish any such requested reduction, and pursuant to the terms of an applicable acquisition agreement, and this resolution, the developer will agree to provide a contribution of infrastructure, work product, or land based on the lesser of cost basis or appraised value, comprising a portion of the Project and to meet the minimum requirements set forth in the Assessment Report, if any. Any such contributions shall not be eligible for payment under the Bonds.
- d. **Impact Fee Credits.** The District may or may not be entitled to impact fee credits as a result of the development of the Project, based on applicable laws and/or agreements governing impact fee credits. Unless otherwise addressed by supplemental assessment resolution, the proceeds from any impact fee credits received may be used in the District's sole discretion as an offset for any acquisition of any portion of the Project (e.g., land based on the lesser of cost basis or appraised value, infrastructure and/or work product), for completion of the Project, or otherwise used against the outstanding indebtedness of any debt issuance that funded the improvement giving rise to the credits.

7. **FINALIZATION OF DEBT ASSESSMENTS.** When the Project has been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. Pursuant to Section 170.08, *Florida Statutes*, the District shall credit to each Debt Assessment the difference, if any, between the Debt Assessment as hereby made, approved and confirmed and the actual costs incurred in completing the Project. In making such credits, no credit shall be given for bond, note or other specific financing mechanism costs, capitalized interest, funded reserves or bond or other discounts. Such credits, if any, shall be entered in the Improvement Lien Book.

8. **PAYMENT OF DEBT ASSESSMENTS AND METHOD OF COLLECTION.**

- a. **Payment.** The Debt Assessments, as further set forth in each supplemental assessment resolution, and securing the issuance of each series of the Bonds, may be paid in not more than thirty (30) yearly installments of principal and interest – beginning upon the issuance of the particular series of the Bonds (and after taking into account any capitalized interest periods), provided, however, that the Board shall at any time make such adjustments by resolution, and at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interests of the District to account for changes in long and short term debt as actually issued by the District.

- b. **Prepayment.** Subject to the provisions of any supplemental assessment resolution, any owner of property subject to the Debt Assessments may, at its option, pre-pay the entire amount of the Debt Assessment any time, or a portion of the amount of the Debt Assessment up to two times, plus accrued interest to the next succeeding interest payment date (or the second succeeding interest payment date if such prepayment is made within forty-five (45) calendar days before an interest payment date (or such other time as set forth in the supplemental indenture for the applicable series of bonds secured by the Debt Assessments in question)), attributable to the property subject to Debt Assessments owned by such owner. Prepayment of Debt Assessments does not entitle the property owner to any discounts for early payment. If authorized by a supplemental assessment resolution, the District may grant a discount equal to all or a part of the payee's proportionate share of the cost of the applicable Project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the applicable Project, upon payment in full of any Debt Assessment during such period prior to the time such financing costs are incurred as may be specified by the District.
- c. **Uniform Method; Alternatives.** The District may elect to use the method of collecting Debt Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* ("Uniform Method"). The District has heretofore taken all required actions to comply with Sections 197.3632 and 197.3635, *Florida Statutes*. Such Debt Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*. Notwithstanding the above, in the event the Uniform Method of collecting its Debt Assessments is not available to the District in any year, or if determined by the District to be in its best interests, and subject to the terms of any applicable trust indenture, the Debt Assessments may be collected as is otherwise permitted by law. In particular, the District may, in its sole discretion, collect Debt Assessments by directly billing landowners and enforcing said collection in any manner authorized by law. Any prejudgment interest on delinquent assessments that are directly billed shall accrue at the applicable rate of any bonds or other debt instruments secured by the Debt Assessments. The decision to collect Debt Assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect Debt Assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.
- d. **Uniform Method Agreements Authorized.** For each year the District uses the Uniform Method, the District shall enter into an agreement with the County Tax Collector who may notify each owner of a lot or parcel within the District of the amount of the special assessment, including interest thereon, in the manner provided in Section 197.3635, *Florida Statutes*.
- e. **Re-amortization.** Any particular lien of the Debt Assessments shall be subject to re-amortization where the applicable series of Bonds is subject to re-amortization pursuant to the applicable trust indenture and where the context allows.

9. ALLOCATION OF DEBT ASSESSMENTS; APPLICATION OF TRUE-UP PAYMENTS.

- a. At such time as parcels of land, or portions thereof, are included in a plat or site plan, it

shall be an express condition of the lien established by this Resolution that, prior to County approval, any and all plats or site plans for any portion of the lands within the District, as the District's boundaries may be amended from time to time, shall be presented to the District Manager for review. As parcels of land, or portions thereof, are included in a plat or site plan, the District Manager shall review the plat or site plan and cause the Debt Assessments securing each series of Bonds to be reallocated to the units being included in the plat or site plan and the remaining property in accordance with **Exhibit B**, and cause such reallocation to be recorded in the District's Improvement Lien Book.

- b. Pursuant to the Assessment Report, attached hereto as **Exhibit B**, and which terms are incorporated herein, there may be required from time to time certain true-up payments. When a plat or site plan is presented to the District, the District Manager shall review the plat or site plan to determine whether, taking into account the plat or site plan, there is a net shortfall in the overall principal amount of assessments reasonably able to be assigned to benefitted lands within the Assessment Area. Such determination shall be made based on the language in this Resolution and/or the tests or other methods set forth in **Exhibit B** (if any), or any tests or methods set forth in a supplemental assessment resolution and corresponding assessment report. If the overall principal amount of assessments reasonably cannot be assigned, or is not reasonably expected to be assigned, as set forth in more detail in and subject to the terms of **Exhibit B** (or any supplemental resolution and report, as applicable), to the platted and site planned lands as well as the undeveloped lands, then a debt reduction payment ("**True-Up Payment**") in the amount of such shortfall shall become due and payable that tax year by the landowner(s) of record of the land subject to the proposed plat or site plan and of the remaining undeveloped lands, in addition to any regular assessment installment. The District's review shall be limited solely to this function and the enforcement of the lien established by this Resolution. In the event a True-Up Payment is due and unpaid, the lien established herein for the True-Up Payment amount shall remain in place until such time as the True-Up Payment is made. The District shall record all True-Up Payments in its Improvement Lien Book.
- c. In connection with any true-up determination, affected landowner(s) may request that such true-up determination be deferred because the remaining undeveloped lands are able to support the development of all of the originally planned units within the Assessment Area. To support the request, the affected landowner(s) shall provide the following evidence for the District's consideration: a) proof of the amount of entitlements remaining on the undeveloped lands within the Assessment Area, b) a revised overall development plan showing the number and type of units reasonably planned for the remainder of the development, c) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and d) documentation prepared by a licensed engineer that shows the feasibility of implementing the proposed development plan. Any deferment shall be in the District's reasonable discretion.
- d. The foregoing is based on the District's understanding that the community would be developed with the type and number of units set forth in **Exhibit B**, on the developable acres. However, more than the stated number of units may be developed. In no event

shall the District collect Debt Assessments pursuant to this Resolution in excess of the total debt service related to the Project, including all costs of financing and interest. The District recognizes that such things as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the true-up methodology to any assessment reallocation pursuant to this paragraph would result in Debt Assessments collected in excess of the District's total debt service obligations for the Project, the Board shall by resolution take appropriate action to equitably reallocate the Debt Assessments.

- e. As set forth in any supplemental assessment resolution and/or supplemental assessment report for a specific series of Bonds, the District may assign a specific debt service assessment lien comprising a portion of the Debt Assessments to the Assessment Area, and, accordingly, any related true-up determinations may be limited to determining whether the planned units for such specified lands in the Assessment Area have been and/or will be developed.

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

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

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

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

14. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED THIS 21ST DAY OF FEBRUARY, 2023.

ATTEST:

**MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: *Engineering Report* dated December 2022

Exhibit B: *Master Special Assessment Methodology Report*, dated December 14, 2022

Exhibit A: *Engineering Report* dated December 2022

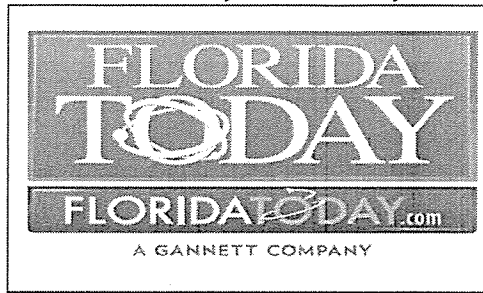
Exhibit B: *Master Special Assessment Methodology Report*, dated December 14, 2022

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

6A

A Daily Publication By:



MALABAR SPRINGS COMMUNITY DEVELOPMENT
DISTRICT
2300 GLADES ROAD, SUITE 410W

BOCA RATON, FL, 33431

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said
legal clerk, who on oath says that he or she is a Legal
Advertising Representative of the **FLORIDA TODAY**, a daily
newspaper published in Brevard County, Florida that the
attached copy of advertisement, being a Legal Ad in the
matter of

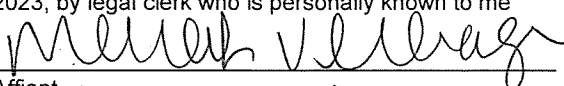
Legal Notices

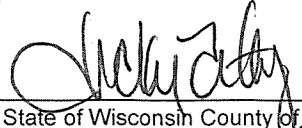
as published in **FLORIDA TODAY** in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

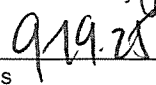
01/22/2023

Affiant further says that the said **FLORIDA TODAY** is a
newspaper in said Brevard County, Florida and that the
said newspaper has heretofore been continuously
published in said Brevard County, Florida each day and has
been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of
one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or
she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication
in the said newspaper.

Sworn to and Subscribed before me this 22th of January
2023, by legal clerk who is personally known to me


Affiant


Notary State of Wisconsin County of Brown


My commission expires

Publication Cost: \$240.68
Ad No: 0005564238
Customer No: 5615710010E
This is not an invoice
of Affidavits 1

AD#5564238 01/22/2023
NOTICE OF RULE DEVELOPMENT BY THE
MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT

In accord with Chapters 120 and 190,
Florida Statutes, the Malabar Springs
Community Development District ("Dis-
trict") hereby gives notice of its inten-
tion to develop Rules of Procedure to
govern the operations of the District.

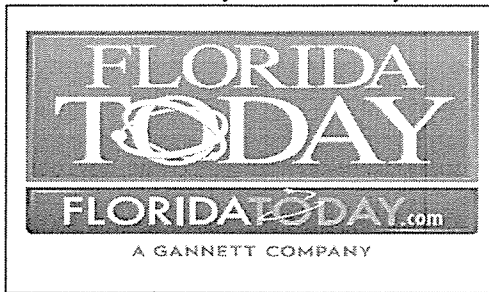
The Rules of Procedure will address such
areas as the Board of Supervisors, offi-
cers and voting, district offices, public in-
formation and inspection of records,
policies, public meetings, hearings and
workshops, rulemaking proceedings and
competitive purchase including proce-
dure under the Consultants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

The purpose and effect of the Rules of
Procedure is to provide for efficient and
effective District operations and to en-
sure compliance with Florida law. The
legal authority for the adoption of the
proposed Rules of Procedure includes
Sections 190.011(5), 190.011(15) and
190.035, Florida Statutes (2022). The spe-
cific laws implemented in the Rules of
Procedure include, but are not limited
to, Sections 112.08, 112.3143, 112.31446,
112.3145, 119.07, 119.0701, 189.053,
189.069(2)(a)16, 190.006, 190.007,
190.008, 190.011(3), 190.011(6),
190.011(15), 190.033, 190.035, 218.33,
218.391, 255.05, 255.0518, 255.0525,
255.20, 286.0105, 286.011, 286.0113,
286.0114, 287.017, 287.055 and 287.084,
Florida Statutes (2022).

A copy of the proposed Rules of Proce-
dure may be obtained by contacting the
District Manager, Wrathell, Hunt & Asso-
ciates, LLC, at 2300 Glades Road, Suite
410W, Boca Raton, Florida 33431, (561)
571-0010.
District Manager

VICKY FELTY
Notary Public
State of Wisconsin

A Daily Publication By:



MALABAR SPRINGS COMMUNITY DEVELOPMENT
DISTRICT
2300 GLADES ROAD, SUITE 410W

BOCA RATON, FL, 33431

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said
legal clerk, who on oath says that he or she is a Legal
Advertising Representative of the **FLORIDA TODAY**, a daily
newspaper published in Brevard County, Florida that the
attached copy of advertisement, being a Legal Ad in the
matter of

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

01/23/2023

Affiant further says that the said **FLORIDA TODAY** is a
newspaper in said Brevard County, Florida and that the
said newspaper has heretofore been continuously
published in said Brevard County, Florida each day and has
been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of
one year next preceding the first publication of the attached
copy of advertisement; and affiant further says that he or
she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for
the purpose of securing this advertisement for publication
in the said newspaper.

Sworn to and Subscribed before me this 23th of January
2023, by legal clerk who is personally known to me

[Signature]
Affiant

[Signature]
Notary State of Wisconsin County of Brown
97925

My commission expires

Publication Cost: \$343.05

Ad No: 0005564575

Customer No: 5615710010E

This is not an invoice

of Affidavits 1

Ad#5564575 01/23/2023
NOTICE OF RULEMAKING REGARDING
THE RULES OF PROCEDURE OF THE
MALABAR SPRINGS COMMUNITY
DEVELOPMENT DISTRICT

A public hearing will be conducted by
the Board of Supervisors of the Malabar
Springs Community Development
District ("District") on February 21, 2023
at 9:30 a.m., at B.S.E. Consultants, Inc.,
312 South Harbor City Boulevard, Suite
4, Melbourne, Florida 32901

In accord with Chapters 120 and 190,
Florida Statutes, the District hereby gives
the public notice of its intent to adopt
its proposed Rules of Procedure. The
purpose and effect of the proposed
Rules of Procedure is to provide for effi-
cient and effective District operations
and to ensure compliance with recent
changes to Florida law. Prior notice of
rule development was published in the
Florida Today on January 22, 2023.

The Rules of Procedure may address
such areas as the Board of Supervisors,
officers and voting, district offices, pub-
lic information and inspection of re-
cords, policies, public meetings, hearings
and workshops, rulemaking proceedings
and competitive purchase including pro-
cedure under the Consultants Competi-
tive Negotiation Act, procedure regard-
ing auditor selection, purchase of insur-
ance, pre-qualification, construction con-
tracts, goods, supplies and materials,
maintenance services, contractual serv-
ices and protests with respect to pro-
ceedings, as well as any other area of
the general operation of the District.

Specific legal authority for the adoption
of the proposed Rules of Procedure in-
cludes Sections 190.011(5), 190.011(15)
and 190.035, Florida Statutes (2022). The
specific laws implemented in the Rules
of Procedure include, but are not limited
to, Sections 112.08, 112.3143, 112.31446,
112.3145, 119.07, 119.0701, 189.053,
189.069(2)(a)16, 190.006, 190.007,
190.008, 190.011(3), 190.011(5),
190.011(15), 190.033, 190.035, 218.33,
218.391, 255.05, 255.0518, 255.0525,
255.20, 286.0105, 286.011, 286.0113,
286.0114, 287.017, 287.055 and 287.084,
Florida Statutes (2022).

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

Any person who wishes to provide the
District with a proposal for a lower cost
regulatory alternative as provided by
Section 120.541(1), Florida Statutes,
must do so in writing within twenty one
(21) days after publication of this notice
to the District Manager's Office.

This public hearing may be continued to
a date, time, and place to be specified
on the record at the hearing without ad-
ditional notice. If anyone chooses to ap-
peal any decision of the Board with re-
spect to any matter considered at a pub-
lic hearing, such person will need a re-
cord of the proceedings and should ac-
cordingly ensure that a verbatim record
of the proceedings is made which in-
cludes the testimony and evidence upon
which such appeal is to be based. At the
hearing, staff or Supervisors may partici-
pate in the public hearing by speaker
telephone.

Pursuant to the provisions of the Ameri-
cans with Disabilities Act, any person re-
quiring special accommodations at this
meeting because of a disability or physi-
cal impairment should contact the
District Manager's Office at least forty-
eight (48) hours prior to the meeting. If
you are hearing or speech impaired,
please contact the Florida Relay Service
at 1-800-955-8771 or 1-800-955-8770 for
aid in contacting the District Office.

District Manager

VICKY FELTY
Notary Public
State of Wisconsin

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

6B

RESOLUTION 2023-29

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT:

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

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

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

PASSED AND ADOPTED this 21st day of February, 2023.

ATTEST:

**MALABAR SPRINGS COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

EXHIBIT A:
RULES OF PROCEDURE

**RULES OF PROCEDURE
MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF FEBRUARY 21, 2023

TABLE OF CONTENTS

Rule 1.0	General.	2
Rule 1.1	Board of Supervisors; Officers and Voting.....	3
Rule 1.2	District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.	7
Rule 1.3	Public Meetings, Hearings, and Workshops.	10
Rule 1.4	Internal Controls to Prevent Fraud, Waste and Abuse.....	15
Rule 2.0	Rulemaking Proceedings.	16
Rule 3.0	Competitive Purchase.....	22
Rule 3.1	Procedure Under the Consultants' Competitive Negotiations Act.....	27
Rule 3.2	Procedure Regarding Auditor Selection.	31
Rule 3.3	Purchase of Insurance.....	36
Rule 3.4	Pre-qualification.....	38
Rule 3.5	Construction Contracts, Not Design-Build.....	43
Rule 3.6	Construction Contracts, Design-Build.....	47
Rule 3.7	Payment and Performance Bonds.	52
Rule 3.8	Goods, Supplies, and Materials.	53
Rule 3.9	Maintenance Services.	57
Rule 3.10	Contractual Services.	61
Rule 3.11	Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.	62
Rule 4.0	Effective Date.	65

Rule 1.0 General.

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

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

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

Rule 1.1 Board of Supervisors; Officers and Voting.

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

contracts on the District's behalf. The Chairperson shall convene and conduct all meetings of the Board. In the event the Chairperson is unable to attend a meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

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

previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.

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

Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

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

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

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

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

(1) District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:

- (a) Agenda packages for prior 24 months and next meeting;
- (b) Official minutes of meetings, including adopted resolutions of the Board;
- (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
- (d) Adopted engineer's reports;
- (e) Adopted assessment methodologies/reports;
- (f) Adopted disclosure of public financing;
- (g) Limited Offering Memorandum for each financing undertaken by the District;
- (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
- (i) District policies and rules;
- (j) Fiscal year end audits; and
- (k) Adopted budget for the current fiscal year.

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

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

District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules is appointed as the District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature or volume of the public records to be inspected or copied. The charge may include the labor costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word "extensive" shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person

making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce the requested records. After the request has been fulfilled, additional payments or credits may be due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.

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

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

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

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise authorized or required by statute or these Rules, at least seven (7) days' public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. A newspaper is deemed to be a newspaper of "general circulation" within the District and county in which the District is located if such newspaper has been in existence for two (2) years at the time of publication of the applicable notice (unless no newspaper within the county has been published for such length) and satisfies the criteria of section 50.011(1), Florida Statutes, or if such newspaper is a direct successor of a newspaper which has been so published, as such provisions may be amended from time to time by law. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published as provided in Chapter 50, Florida Statutes, and such notice published consistent with Chapter 50 shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:
- (a) The date, time and place of the meeting, hearing or workshop;
 - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
 - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
 - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at 561-571-0010. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
 - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."

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

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

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

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

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business
- Staff reports
 - (a) District Counsel
 - (b) District Engineer
 - (c) District Manager

1. Financial Report
2. Approval of Expenditures

Supervisor's requests and comments

Public comment

Adjournment

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

funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.

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

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

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

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

Law Implemented: §§ 50.011, 50.031, 189.015, 189.069(2)(a)15, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

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

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

Law Implemented: § 218.33(3), Fla. Stat.

Rule 2.0 Rulemaking Proceedings.

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

twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

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

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

Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.

(10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:

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

(11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within 10 days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.

- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
 - (i) Administer oaths and affirmations;
 - (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;
 - (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
 - (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) Variances and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
- (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
 - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District’s Rule. Each petition shall specify:
 - (i) The rule from which a variance or waiver is requested;
 - (ii) The type of action requested;

- (iii) The specific facts that would justify a waiver or variance for the petitioner; and
 - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
 - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner's written request, to process the petition.
 - (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

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

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

Rule 3.0 Competitive Purchase.

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

- (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.
- (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:
 - (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods,

hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

- (i) "Invitation to Bid" is a written solicitation for sealed bids with the title, date, and hour of the public bid opening designated specifically and defining the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.
- (j) "Invitation to Negotiate" means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
- (k) "Negotiate" means to conduct legitimate, arm's length discussions and conferences to reach an agreement on a term or price.
- (l) "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.
- (m) "Proposal (or Reply or Response) Most Advantageous to the District" means, as determined in the sole discretion of the Board, the proposal, reply, or response that is:
 - (i) Submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements, who has the integrity and reliability to assure good faith performance;
 - (ii) The most responsive to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation as determined by the Board; and
 - (iii) For a cost to the District deemed by the Board to be reasonable.

- (n) “Purchase” means acquisition by sale, rent, lease, lease/purchase, or installment sale. It does not include transfer, sale, or exchange of goods, supplies, or materials between the District and any federal, state, regional or local governmental entity or political subdivision of the State of Florida.
- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.
- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
 - (i) The ability and adequacy of the professional personnel employed by the entity/individual;
 - (ii) The past performance of the entity/individual for the District and in other professional employment;
 - (iii) The willingness of the entity/individual to meet time and budget requirements;
 - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
 - (v) The recent, current, and projected workloads of the entity/individual;
 - (vi) The volume of work previously awarded to the entity/individual;

- (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
- (viii) Whether the entity/individual is a certified minority business enterprise.
- (q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

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

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

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

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

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

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

such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process. The Board has the right to reject any and all qualifications, and such reservation shall be included in the published notice. Consultants not receiving a contract award shall not be entitled to recover from the District any costs of qualification package preparation or submittal.

(4) Competitive Selection.

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

with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.

- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

(5) Competitive Negotiation.

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

selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

- (6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

Rule 3.2 Procedure Regarding Auditor Selection.

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

(1) Definitions.

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

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

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

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

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

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

(b) Evaluation Criteria. The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:

- (i) Ability of personnel;
- (ii) Experience;
- (iii) Ability to furnish the required services; and
- (iv) Such other factors as may be determined by the Committee to be applicable to its particular requirements.

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

(4) Public Announcement. After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the

county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.

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

- (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
 - (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.
 - (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.
- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:
 - (a) A provision specifying the services to be provided and fees or other compensation for such services;
 - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
 - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to

award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

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

Law Implemented: §§ 119.0701, 218.33, 218.391, Fla. Stat.

Rule 3.3 Purchase of Insurance.

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

offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.

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

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

Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

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

pre-qualified will be eligible to submit bids, proposals, replies or responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

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

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

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.

(i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.

(j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

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

- i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
- ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
- iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
- iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.

- v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
- vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
- vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status shall remain suspended, revoked, or denied until the documents are furnished.
- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
- ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
- x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
- xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
- xii. The vendor or affiliate(s) has been convicted of a contract crime.
 - 1. The term "contract crime" means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
 - 2. The term "convicted" or "conviction" means a finding of guilt or a conviction of a contract crime, with or without an

adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.
- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

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

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 190.033, 255.0525, 255.20, Fla. Stat.

Rule 3.5 Construction Contracts, Not Design-Build.

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

accordance with this Rule and shall not be a basis for a protest of any contract award.

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

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

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

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative

is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

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

constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or

- (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

Rule 3.6 Construction Contracts, Design-Build.

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:
- (2) Procedure.
 - (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
 - (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
 - (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
 - (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.

(ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:

1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
 - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
 - b. Hold all required applicable federal licenses in good standing, if any;
 - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;

- d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

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

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

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if the proposals are too high, or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive

Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.

7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.

9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
 10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.
 - (5) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

Rule 3.7 Payment and Performance Bonds.

- (1) Scope. This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.

- (2) Required Bond. Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.

- (3) Discretionary Bond. At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

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

Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

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

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

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

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

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

Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which does not grant a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsive Bidder whose principal place of business is in the State of Florida shall be awarded a preference of five (5) percent. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsive Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

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

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.
- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.
- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

Rule 3.9 Maintenance Services.

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

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

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

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the

purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.

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

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

Rule 3.10 Contractual Services.

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

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

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

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

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

(1) Filing.

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

be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

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

- (c) Regulate the course of the hearing, including any pre-hearing matters;
- (d) Enter orders; and
- (e) Make or receive offers of settlement, stipulation, and adjustment.

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

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

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

Law Implemented: § 190.033, Fla. Stat.

Rule 4.0 Effective Date.

These Rules shall be effective February 21, 2023 except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

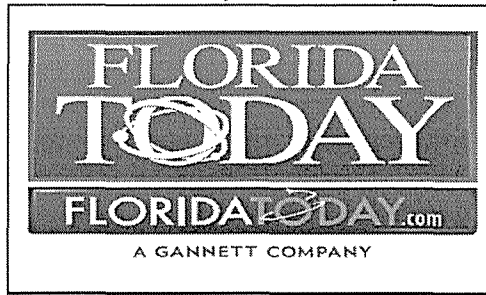
Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

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

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

7A



MALABAR SPRINGS COMMUNITY DEVELOPMENT
DISTRICT
2300 GLADES ROAD, SUITE 410W

BOCA RATON, FL, 33431

STATE OF WISCONSIN COUNTY OF BROWN:

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

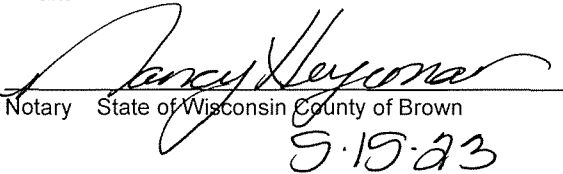
as published in **FLORIDA TODAY** in the issue(s) dated:
or by publication on the newspaper's website, if authorized,
on

01/31/2023, 02/07/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 7th of February 2023, by legal clerk who is personally known to me

Affiant


Notary State of Wisconsin County of Brown
5.15.23

My commission expires

Publication Cost: \$562.04

Ad No: 0005567427

Customer No: 5615710010E
This is not an invoice

of Affidavits 1

Ad#5567427 1/31, 2/7/2023
MALABAR SPRINGS COMMUNITY
DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2022/2023 BUDGET; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING.

The Board of Supervisors ("Board") of the Malabar Springs Community Development District ("District") will hold a public hearing on February 21, 2023 on 9:30 a.m., at B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901 for the purpose of hearing comments and objections on the adoption of the proposed budget ("Proposed Budget") of the District for the fiscal year beginning October 1, 2022 and ending September 30, 2023 ("Fiscal Year 2022/2023"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budget may be obtained by contacting the offices of the District Manager, Wratheil, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010, during normal business hours.

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing and 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 speaker telephone.

Any person requiring special accommodations at this hearing and 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.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearing or 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.

District Manager
paired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

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

District Manager

NANCY HEYRMAN
Notary Public
State of Wisconsin

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

7B

RESOLUTION 2023-30

THE ANNUAL APPROPRIATION RESOLUTION OF THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has submitted to the Board of Supervisors (“**Board**”) of the Malabar Springs Community Development District (“**District**”) proposed budget(s) (“**Proposed Budget**”) for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. The Proposed Budget, attached hereto as **Exhibit "A,"** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* ("**Adopted Budget**"), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Malabar Springs Community Development District for the Fiscal Year Ending September 30, 2023."
- d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2022/2023, the sums set forth in **Exhibit A** to be raised by the levy of assessments, a funding agreement and/or otherwise. Such sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, and are to be divided and appropriated in the amounts set forth in **Exhibit A**.

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2022/2023 or within 60 days following the end of the Fiscal Year 2022/2023 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 21ST DAY OF FEBRUARY, 2023.

ATTEST:

**MALABAR SPRINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2022/2023 Budget(s)

Exhibit A: Fiscal Year 2022/2023 Budget(s)

**MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2023**

**MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
TABLE OF CONTENTS**

<u>Description</u>	<u>Page Number(s)</u>
General Fund Budget	1
Definitions of General Fund Expenditures	2

**MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2023**

	Proposed Budget FY 2023
REVENUES	
Landowner contribution	\$ 83,515
Total revenues	<u>83,515</u>
EXPENDITURES	
Professional & administrative	
Management/accounting/recording**	40,000
Legal	25,000
Engineering	2,000
Audit	-
Arbitrage rebate calculation*	-
Dissemination agent*	500
Trustee*	-
Telephone	200
Postage	500
Printing & binding	500
Legal advertising	6,500
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	750
Website hosting & maintenance	1,680
Website ADA compliance	210
Total expenditures	<u>83,515</u>
Excess/(deficiency) of revenues over/(under) expenditures	-
Fund balance - beginning (unaudited)	-
Fund balance - ending	<u>\$ -</u>
* These items will be realized when bonds are issued	

**MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording**	\$ 40,000
Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.	
Legal	25,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	2,000
The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	-
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation*	-
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent*	500
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.	
Telephone	200
Telephone and fax machine.	
Postage	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Printing & binding	500
Letterhead, envelopes, copies, agenda packages	
Legal advertising	6,500
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Annual special district fee	175
Annual fee paid to the Florida Department of Economic Opportunity.	
Insurance	5,500
The District will obtain public officials and general liability insurance.	
Contingencies/bank charges	750
Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.	
Website hosting & maintenance	1,680
Website ADA compliance	210
Total expenditures	<u><u>\$ 83,515</u></u>

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

8

Malabar Springs Community Development District
c/o Craig Wrathell and
Tim Smith
Wrathell, Hunt & Associates, LLC
2300 Glades Road Suite 410W
Boca Raton, Florida 33431
wrathellc@whhassociates.com
tsmith@kolter.com

RE: District Counsel Matter

Dear Sirs or Madams,

Effective February 6, 2023, Jere Earlywine will resign from KE LAW GROUP PLLC to join the law firm of KUTAK ROCK LLP.

Mr. Earlywine was providing services to you on the above-referenced matter. Therefore, this letter is to inform you that you have the option to choose to have Mr. Earlywine continue to represent you in this matter at his new law firm, or you may have KE LAW GROUP PLLC continue to represent you, in which case representation will be handled by Meredith Hammock and Lauren Gentry in KE LAW GROUP PLLC's Tampa Office. Alternatively, you can choose to retain an entirely new lawyer.

If you wish to have Jere Earlywine or a new lawyer continue to represent you, please be aware that you remain liable for fees and costs for services already provided by members of KE LAW GROUP PLLC through the date of this letter. Further, given the manner in which legal fees for open financing matters are structured, no fee has been paid to date. Should you elect to have this matter go with Mr. Earlywine, the fee may be apportioned between KE LAW GROUP PLLC and KUTAK ROCK LLP.

Please advise Jere Earlywine and KE Law Group PLLC in writing, as quickly as possible, of the District's decision so that continuity in your representation is assured. You may do so by indicating your choice below and returning a signed and dated copy. Please retain the additional copy of this designation letter for your records.

Yours truly,

/s/ Jere Earlywine

Instructions

☐ I wish my file to stay with KE LAW GROUP PLLC.

☒ I wish my file and trust account balance to be transferred to Jere Earlywine at KUTAK ROCK LLP.

☐ I will retain new counsel and have them contact KE LAW GROUP PLLC to coordinate transfer of my file.


For the Client

VICE-CHAIR

Tim Smith

2-7-23

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

9

RESOLUTION 2023-14

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

WHEREAS, the Malabar Springs Community Development District ("**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

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

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

WHEREAS, the Board desires to adopt the Fiscal Year 2022/2023 meeting schedule attached as **Exhibit A**.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT:**

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

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

PASSED AND ADOPTED this 21st day of February, 2023.

ATTEST:

**MALABAR SPRINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

EXHIBIT "A"

MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE		
LOCATION		
<i>B.S.E. Consultants, Inc.</i>		
<i>312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
March __, 2023	Regular Meeting	__:__ AM/PM
April __, 2023	Regular Meeting	__:__ AM/PM
May __, 2023	Regular Meeting	__:__ AM/PM
June __, 2023	Regular Meeting	__:__ AM/PM
July __, 2023	Regular Meeting	__:__ AM/PM
August __, 2023	Regular Meeting	__:__ AM/PM
September __, 2023	Regular Meeting	__:__ AM/PM

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

MINUTES A

DRAFT

**MINUTES OF MEETING
MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT**

A Landowners' Meeting of the Malabar Springs Community Development District was held on December 15, 2022 at 11:00 a.m., at B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901.

Present were:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Jere Earlywine (via telephone)	District Counsel
Ana Saunders	District Engineer
Tim Smith	
Michael Caputo	
Justin Frye	
Candice Smith (via telephone)	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:00 a.m.

SECOND ORDER OF BUSINESS

Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

THIRD ORDER OF BUSINESS

Election of Chair to Conduct Landowners' Meeting

All in attendance agreed to Ms. Cerbone serving as Chair to conduct the Landowners' meeting.

FOURTH ORDER OF BUSINESS

Election of Supervisors [All Seats]

Ms. Cerbone stated that Authorized Signatory Mr. James P. Harvey designated Mr. Tim Smith as Proxy Holder for the Landowner CRE-KL Malabar Owner LLC, which owns 285.9 acres.

39 Mr. Smith is eligible to cast up to 286 votes per Seat.

40 Ms. Cerbone read Mr. Smith's Official Ballot into the record as follows:

41 **A. Nominations**

42 Mr. Smith nominated the following:

43 Seat 1 Michael Caputo

44 Seat 2 Tim Smith

45 Seat 3 Justin Frye

46 Seat 4 Jon Seifel

47 Seat 5 Candice Smith

48 No other nominations were made.

49 **B. Casting of Ballots**

50 • **Determine Number of Voting Units Represented**

51 A total of 286 voting units were represented.

52 • **Determine Number of Voting Units Assigned by Proxy**

53 All 286 voting units were assigned by proxy.

54 Mr. Smith cast the following votes:

55 Seat 1 Michael Caputo 286 votes

56 Seat 2 Tim Smith 286 votes

57 Seat 3 Justin Frye 285 votes

58 Seat 4 Jon Seifel 285 votes

59 Seat 5 Candice Smith 285 votes

60 **C. Ballot Tabulation and Results**

61 Ms. Cerbone reported the following ballot tabulation, results and term lengths:

62 Seat 1 Michael Caputo 286 votes 4-year Term

63 Seat 2 Tim Smith 286 votes 4-year Term

64 Seat 3 Justin Frye 285 votes 2-year Term

65 Seat 4 Jon Seifel 285 votes 2-year Term

66 Seat 5 Candice Smith 285 votes 2-year Term

67

68 **FIFTH ORDER OF BUSINESS** **Landowners' Questions/Comments**

69

70 There were no Landowners' questions or comments.

71

72 **SIXTH ORDER OF BUSINESS** **Adjournment**

73

74 There being nothing further to discuss, the meeting adjourned at 11:02 a.m.

75

76

77 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

78
79
80
81
82

Secretary/Assistant Secretary

Chair/Vice Chair

MALABAR SPRINGS

COMMUNITY DEVELOPMENT DISTRICT

MINUTES B

DRAFT

**MINUTES OF MEETING
MALABAR SPRINGS COMMUNITY DEVELOPMENT DISTRICT**

An Organizational Meeting of the Malabar Springs Community Development District was held on December 15, 2022, immediately following the adjournment of the Landowners' Meeting, scheduled to commence at 11:00 a.m., at B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901.

Present at the meeting were:

Michael Caputo	Chair
Timothy Smith	Vice Chair
Justin Frye	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Jere Earlywine (via telephone)	District Counsel
Ana Saunders	Interim District Engineer
Steve Sanford	Bond Counsel
Candice Smith (via telephone)	Supervisor-Elect

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:04 a.m.

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

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

Mr. Kantarzhi, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Caputo, Mr. Smith and Mr. Frye.

Supervisors Caputo, Frye and Timothy Smith were present. Supervisor-Elect Ms. Candice Smith was attending via telephone. Supervisor-Elect Seifel was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

GENERAL DISTRICT ITEMS

THIRD ORDER OF BUSINESS

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

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

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

B. Membership, Obligations and Responsibilities

C. Chapter 190, Florida Statutes

D. Financial Disclosure Forms

I. Form 1: Statement of Financial Interests

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

III. Form 1F: Final Statement of Financial Interests

E. Form 8B: Memorandum of Voting Conflict

Mr. Earlywine and Ms. Cerbone discussed Form 8B with which each Supervisor will disclose a continuing conflict as a Landowner-representative, which will eliminate the need to declare a conflict at every vote. Each Supervisors Form 8B will be kept on file and attached to meeting minutes if there is a voting conflict.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2023-01,
Canvassing and Certifying the Results of
the Landowners' Election of Supervisors
Held Pursuant to Section 190.006(2),
Florida Statutes, and Providing for an
Effective Date**

Ms. Cerbone presented Resolution 2023-01. She recapped the results of the Landowners' election as follows:

Seat 1	Michael Caputo	286 votes	4-year Term
Seat 2	Tim Smith	286 votes	4-year Term
Seat 3	Justin Frye	285 votes	2-year Term
Seat 4	Jon Seifel	285 votes	2-year Term
Seat 5	Candice Smith	285 votes	2-year Term

**On MOTION by Mr. Smith and seconded by Mr. Caputo, with all in favor,
Resolution 2023-01, Canvassing and Certifying the Results of the Landowners'
Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes,
and Providing for an Effective Date, was adopted.**

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-02,
Designating Certain Officers of the District,
and Providing for an Effective Date

Ms. Cerbone presented Resolution 2023-02. Mr. Caputo nominated the following:

Chair	Michael Caputo
Vice Chair	Timothy Smith
Secretary	Craig Wrathell
Assistant Secretary	Justin Frye
Assistant Secretary	Jon Seifel
Assistant Secretary	Candice Smith
Assistant Secretary	Cindy Cerbone
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made. Ms. Smith noted that processing should follow typical procedure and include Brian for appropriate recordkeeping.

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

ORGANIZATIONAL ITEMS

SIXTH ORDER OF BUSINESS

Consideration of the Following
Organizational Items:

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

Ms. Cerbone presented Resolution 2023-03.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2023-03, Appointing and Fixing the Compensation of the District Manager and Methodology Consultant; Providing an Effective Date, was adopted.

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

- **Fee Agreement: *KE Law Group, PLLC***

Ms. Cerbone presented Resolution 2023-04 and the KE Law Group, PLLC Fee Agreement.

On MOTION by Mr. Caputo and seconded by Mr. Frye, with all in favor, Resolution 2023-04, Appointing KE Law Group, PLLC as District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date, was adopted.

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

Ms. Cerbone presented Resolution 2023-05.

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

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

- **Interim Engineering Services Agreement: *B.S.E. Consultants***

Ms. Cerbone presented Resolution 2023-06 and the Interim Engineering Services Agreement and accompanying Exhibits.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2023-06, Appointing B.S.E. Consultants as Interim District Engineer for the Malabar Springs Community Development District, Authorizing Its Compensation and Providing for an Effective Date, was adopted.

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

Ms. Cerbone presented the RFQ for Engineering Services and Competitive Selection Criteria.

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

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

The Board Members declined the allowable compensation.

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

Ms. Cerbone presented Resolution 2023-07.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2023-07, Designating 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 as the Primary Administrative Office and the offices of B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901, as the Principal Headquarters of the District and Providing an Effective Date, was adopted.

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

- Authorization to Obtain General Liability and Public Officers' Insurance

Ms. Cerbone presented Resolution 2023-08.

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

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

Ms. Cerbone presented Resolution 2023-09.

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

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

Ms. Cerbone presented Resolution 2023-10.

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

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

Ms. Cerbone presented Resolution 2023-11. This Resolution grants the Chair and Vice Chair the authority to work with the District Engineer, District Counsel and District Staff and to execute certain documents in between meetings, to avoid delays in construction.

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

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

Ms. Cerbone presented Resolution 2023-12. Mr. Earlywine stated that the Notice of Establishment is in the process of being filed.

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

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

Ms. Cerbone presented the RFP For Annual Audit Services.

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

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

N. Strange Zone, Inc., Quotation #M22-1050 for District Website Design, Maintenance and Domain Web-Site Design Agreement

Ms. Cerbone presented the Strange Zone, Inc. (SZI) proposal.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, Strange Zone, Inc., Quotation #M22-1050 for District Website Design, Maintenance and Domain Web-Site Design Agreement, in the amount of \$1,679.99, was approved.

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

Ms. Cerbone presented the ADA Site Compliance proposal.

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

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

I. Rules of Procedure

II. Notices [Rule Development and Rulemaking]

Ms. Cerbone presented Resolution 2023-13.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, Resolution 2023-13, to Designate February 21, 2023 at 9:30 a.m., at the offices of B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901, as the Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date, was adopted.

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

This item was deferred.

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

Ms. Cerbone presented Resolution 2023-15.

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, Resolution 2023-15, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date, was adopted.

S. Stormwater Management Needs Analysis Reporting Requirements

Ms. Cerbone stated CDDs are required to prepare and submit a 20-year Stormwater Management Needs Analysis Report to document the future needs of its stormwater system. The first Report was due June 30, 2022 but, as there is no interim reporting requirement, the CDD's first Report will be due in five years.

BANKING ITEMS

SEVENTH ORDER OF BUSINESS

Consideration of the Following Banking Items:

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

Ms. Cerbone presented Resolution 2023-16.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, Resolution 2023-16, Designating Truist Bank as the Public Depository for Funds of the District and Providing an Effective Date, was adopted.

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

Ms. Cerbone presented Resolution 2023-17.

On MOTION by Mr. Caputo and seconded by Mr. Frye, with all in favor, Resolution 2023-17, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date, was adopted.

BUDGETARY ITEMS**EIGHTH ORDER OF BUSINESS**

Consideration of the Following Budgetary Items:

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

Ms. Cerbone presented Resolution 2023-18. She reviewed the proposed partial-year, Landowner-funded Fiscal Year 2023 budget. Expenses will be funded as they are incurred.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, Resolution 2023-18, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for February 21, 2023 at 9:30 a.m., at the offices of B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

B. Fiscal Year 2022/2023 Budget Funding Agreement

Ms. Cerbone presented the Fiscal Year 2022/2023 Budget Funding Agreement.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, the Fiscal Year 2022/2023 Budget Funding Agreement, was approved.

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

Ms. Cerbone presented Resolution 2023-19.

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

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

Ms. Cerbone presented Resolution 2023-20.

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

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

Ms. Cerbone presented Resolution 2023-21.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, Resolution 2023-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date, was adopted.

- F. Resolution 2023-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2023-22.

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, Resolution 2023-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

- G. Resolution 2023-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date**

Ms. Cerbone presented Resolution 2023-23.

On MOTION by Mr. Caputo and seconded by Mr. Frye, with all in favor, Resolution 2023-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.

- H. Consideration of E-Verify Memo with MOU**

Ms. Cerbone presented the E-Verify Memo related to the requirement for all employers to verify employment eligibility utilizing the E-Verify System and for the CDD to enroll with E-Verify and execute a Memorandum of Understanding (MOU) with E-Verify.

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, acknowledging the E-Verify Memo requirements, as set forth in the Memorandum of Understanding, and authorizing enrollment and utilization of the E-Verify program, was approved.

BOND FINANCING ITEMS

NINTH ORDER OF BUSINESS

Consideration of the Following Bond
Financing Related Items:

A. Bond Financing Team Funding Agreement

Mr. Earlywine presented the Bond Financing Team Funding Agreement.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, the Bond Financing Team Funding Agreement, and authorizing the Chair to execute, was approved.

B. Engagement of Bond Financing Professionals

I. Underwriter/ Investment Banker: *FMSbonds, Inc*

Mr. Earlywine presented the FMSbonds, Inc., Agreement.

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, the FMSbonds, Inc Agreement for Underwriting Services and G-17 Disclosure, and authorizing the Chair to execute, was approved.

II. Bond Counsel: *Greenberg Traurig, PA*

Mr. Sanford presented the Greenberg Traurig, PA Bond Engagement Letter.

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, the Greenberg Traurig, PA Engagement Letter, and authorizing the Chair to execute, was approved.

III. Trustee, Paying Agent and Registrar: *Regions Bank*

Ms. Cerbone presented the Regions Bank Engagement Letter.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, the Regions Bank Engagement Letter to serve as Trustee, Paying Agent and Registrar, and authorizing the Chair to execute, was approved.

C. Resolution 2023-24, Designating a Date, Time, and Location of a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection,

and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date

Ms. Cerbone presented Resolution 2023-24. This Resolution enables placement of the assessments on the tax bill utilizing the Property Appraiser and Tax Collector.

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, Resolution 2023-24, Designating a Date, Time, and Location of February 21, 2023 at 9:30 a.m., at the offices of B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901 for a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date, was adopted.

D. Presentation of Master Engineer's Report

Ms. Saunders presented the December 2022 Engineer's Report.

Mr. Earlywine recalled previous discussion about an irrigation company possibly being engaged to manage the irrigation system, in which case the irrigation system would not be included in the Capital Improvement Plan (CIP).

Ms. Saunders will work with Mr. Earlywine to insert the necessary language.

Mr. Caputo stated the project was re-phased internally. Mr. Earlywine asked if the number of anticipated units is still 885. Mr. Caputo responded affirmatively.

Ms. Saunders noted that the CDD's acreage of 283.37 does not include the dedication of Malabar Road, along the southern property line. She noted that Brevard County's position is that dedication by plat does not constitute real ownership of the land, but only the use, and, in addition to dedication by plat, sketches, descriptions and deeds are required, so the boundary will shrink.

Mr. Earlywine stated the CDD's boundary only matters with respect to where assessments will be levied; it might be worth noting that it will be an off-site road. Ms. Saunders stated the CDD boundary excludes that road right-of-way (ROW) from the 283.37 acres listed. Mr. Earlywine stated that is in accordance with the Ordinance.

Ms. Saunders stated the Report includes Malabar Road as an off-site improvement. Mr. Earlywine stated that is acceptable and will be included for bond validation purposes.

On MOTION by Mr. Smith and seconded by Mr. Caputo, with all in favor, the December 2022 Master Engineer's Report, in substantial form and subject to the addition of the irrigation company, was approved.

E. Presentation of Special Assessment Methodology Report

Ms. Cerbone presented the Master Special Assessment Methodology Report dated December 14, 2022. She reviewed the pertinent information found in each section and discussed the Development Program, CIP, Financing Program, Assessment Methodology, lienability tests, True-up Mechanism and the Appendix Tables. She noted the following:

- The CDD is approximately 283.37 acres.
- The anticipated Development Program overall project costs are estimated at \$43 million.
- The total par amount of bonds, including the cost of financing, capitalized interest and debt service reserve, will be \$59,370,000.
- A total of 885 units are anticipated.

Discussion ensued regarding the principal and interest assessments for each unit, and possibly increasing the Equivalent Residential Unit (ERU) weights for multi-family units.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, the Master Special Assessment Methodology Report dated December 8, 2022, was approved.

F. Resolution 2023-25, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which the Assessments are to Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date

Mr. Earlywine presented Resolution 2023-25 and read the title.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, Resolution 2023-25, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which the Assessments are to Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings for February 21, 2023 at 9:30 a.m., at the offices of B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date, was adopted.

- G. Resolution 2023-26, Authorizing the Issuance of Not to Exceed \$59,370,000 Aggregate Principal Amount of Malabar Springs Community Development District Special Assessment Bonds, in One or More Series, to Pay All or a Portion of the Design, Acquisition and Construction Costs of Certain Public Infrastructure Improvements, Including, but Not Limited to, Stormwater Management and Control Facilities, Including, but Not Limited to, Related Earthwork and any Acquisition of Interests in Real Property Relating Thereto; Water and Wastewater Systems Including Connection Fees, if Applicable; Hardscaping, Landscaping and Irrigation in Public Rights-Of-Way; Roadway Improvement Including Impact Fees, if Applicable; Recreational Amenities and Related Incidental Costs; the Differential Cost of Undergrounding Electric Utilities Including Professional Fees (Collectively, The "Project"), Pursuant to Chapter 190, Florida Statutes, as Amended; Providing for the Appointment of a Trustee; Approving the Form and Authorizing the Execution and Delivery of a Master Trust Indenture and Supplemental Trust Indenture in Substantially the Forms Attached Hereto; Providing that Such Bonds Shall Not Constitute a Debt, Liability or Obligation of the Malabar Springs Community Development District (Except as Otherwise Provided Herein), Brevard County, Florida, the State of Florida or of Any Other Political Subdivision Thereof, but Shall Be Payable Solely from Special Assessments Assessed and Levied on the Property Within the District Benefited by the Project and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters

Regarding engagement of an irrigation company Mr. Sanford noted that, from a tax perspective, Bond Counsel must review any agreement related to a management company to ensure that specific terms are included.

Mr. Sanford presented Resolution 2023-26, which accomplishes the following:

- Authorizes issuance of not-to-exceed \$59,370,000 aggregate principal amount of bonds.
- Authorizes the CIP as described in the Engineer's Report.
- Approves the form of the Master Trust Indenture.
- Appoints Regions Bank as the Trustee, Paying Agent and Registrar.
- Authorizes and directs District Counsel and Bond Counsel to file for bond validation.

On MOTION by Mr. Caputo and seconded by Mr. Frye, with all in favor, Resolution 2023-26, Authorizing the Issuance of Not to Exceed \$59,370,000 Aggregate Principal Amount of Malabar Springs Community Development District Special Assessment Bonds, in One or More Series, to Pay All or a Portion of the Design, Acquisition and Construction Costs of Certain Public Infrastructure Improvements, Including, but Not Limited to, Stormwater Management and Control Facilities, Including, but Not Limited to, Related Earthwork and any Acquisition of Interests in Real Property Relating Thereto; Water and Wastewater Systems Including Connection Fees, if Applicable; Hardscaping, Landscaping and Irrigation in Public Rights-Of-Way; Roadway Improvement Including Impact Fees, if Applicable; Recreational Amenities and Related Incidental Costs; the Differential Cost of Undergrounding Electric Utilities Including Professional Fees (Collectively, The "Project"), Pursuant to Chapter 190, Florida Statutes, as Amended; Providing for the Appointment of a Trustee; Approving the Form and Authorizing the Execution and Delivery of a Master Trust Indenture and Supplemental Trust Indenture in Substantially the Forms Attached Hereto; Providing that Such Bonds Shall Not Constitute a Debt, Liability or Obligation of the Malabar Springs Community Development District (Except as Otherwise Provided Herein), Brevard County, Florida, the State of Florida or of Any Other Political Subdivision Thereof, but Shall Be Payable Solely from Special Assessments Assessed and Levied on the Property Within the District Benefited by the Project and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters, was adopted.

CONSTRUCTION ITEMS

TENTH ORDER OF BUSINESS

Consideration of the Following
Construction Related Items:

- Construction Assignment Contract

This item was an addition to the agenda.

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, Assignment of the Earth Clearing and Site Work Contract from the Developer, subject to preparation of documents by District Staff, was approved.

A. Acquisition Agreement

On MOTION by Mr. Caputo and seconded by Mr. Smith, with all in favor, the Acquisition Agreement and authorizing the Chair to execute, was approved.

B. Temporary Construction Easement

On MOTION by Mr. Frye and seconded by Mr. Smith, with all in favor, the Temporary Construction Easement and authorizing the Chair to execute, was approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *KE Law Group, PLLC***
- B. District Engineer (Interim): *B.S.E. Consultants***
- C. District Manager: *Wrathell, Hunt and Associates, LLC***

There were no District Counsel, District Engineer or District Manager reports.

THIRTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

FOURTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Smith and seconded by Mr. Frye, with all in favor, the meeting adjourned at 12:04 p.m.

638
639
640
641
642
643

Secretary/Assistant Secretary

Chair/Vice Chair