MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #2

The Board of Supervisors of the Fiddler’s Creek Community Development District #2 held a Regular Meeting on January 22, 2020 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present at the meeting were:

Elliot Miller Chair
Victoria DiNardo Vice Chair
Linda Viegas Assistant Secretary
Bill Klug Assistant Secretary
John Nuzzo Assistant Secretary

Also present were:

Chuck Adams District Manager
Cleo Adams Assistant Regional Manager
Tony Pires District Counsel
Terry Cole District Engineer
Tony DiNardo Developer
Ron Albeit Foundation General Manager
Shane Willis Fiddler’s Creek Security
Mark Swanson LandCare
Mark Grimes GulfScapes
Steve Sawin Resident
Bill Parenteau Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Mr. Steve Sawin, a resident, stated that he and other residents frequently walk the two-mile path around Campanile Circle. He asked for benches to be installed at three points; the

Disclaimer: These minutes are a summary of the meeting and are intended to provide highlights of the topics discussed, items considered and actions taken.
park across from Lagomar was his first preference. Discussion ensued regarding other potential locations for benches and funding sources.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, installing a bench in the park area in Campanile Circle, near Lagomar, was approved.

Mrs. Adams would obtain prices and coordinate with Mr. Sawin to determine the best location.

THIRD ORDER OF BUSINESS

Special Counsel Update

Mr. Miller stated the Special Counsel update was no longer relevant and it should be removed from all future agendas.

- Developer’s Report/Update

This item, previously the Fifth Order of Business, was presented out of order.

Mr. Miller recalled that a contract with a Developer entity was previously executed that deals with the lack of obligation on the District’s part to maintain certain areas. Discussion would center around three tracts; Tract A, Tract A-1 and Tract B. The Board will also discuss amending the contract, which precluded the District from supplying maintenance to the areas that would benefit the commercial property and bond proceeds.

Referencing handouts, Mr. DiNardo pointed out a technical correction to the agreement that was made between the District and the Developer and stated bond funds would be used to complete the project. Sandpiper Drive, which is CDD-owned, would be used for truck traffic that would go into Sandpiper Lane. Tracts A-1 and B are not CDD-owned and would be given to the District by the Developer, FC Oyster Harbor LLC.

Mr. Miller asked Mr. DiNardo to explain the nature of the work, the reason for the impending work and the role of the South Florida Water Management District (SFWMD) regarding the tracts and the lake. Mr. DiNardo stated the work would include repairs to Sandpiper Drive, creation of Sandpiper Lane, and Tract B, which is part of the drainage system; otherwise the District would have to purchase land to facilitate drainage. The only change was a
technical engineering change to keep with the original documents. Maintenance would be performed by the Fiddler’s Creek Plaza Association, Halvorsen and FC Oyster Harbor LLC, not the CDD; $1.2 million in bond proceeds would be used to fund the improvements. Discussion ensued regarding whether Sandpiper Lane would be built if there was no commercial property, the Publix that would anchor the shopping center, stormwater ponds, bond funds, plats, the public benefit and the Collier County Planning Commission. Mr. Miller stated that the bond proceeds would be tax exempt and the project would be a public benefit for the residents of the community. Ms. Viegas expressed her opinion that the minutes should reflect that, although the project was approved by the County Commissioners, the Commissioners acknowledged that there are several issues that would negatively affect neighboring homeowners and, even if the advantages outweigh the disadvantages, there are disadvantages.

Mr. Pires distributed several handouts and reported the following:

- The original projected project area was changed from 31.02 acres to 35.63 acres.
- The project boundary was modified due to site planning and final design considerations.
- Three documents need to be executed to facilitate processing of the SFWMD permit modifications and allow the construction plans and proposed plat for the area to be submitted to Collier County.
- Under the SFWMD ERP modification, as highlighted by Mr. Mark Minor under a portion of the narrative, “A modification of the ERP is required due to alterations along Sandpiper Drive to accommodate the relocated guardhouse, construction of the Sandpiper Lane segment and a small stormwater pond located at the northeast corner of Sandpiper Drive and Sandpiper Lane, which is Tract B.”

Mr. Miller asked Mr. Pires to make it clear and explicit that the new guardhouse would be built and paid for by The Foundation. Mr. Pires stated that the relocated guardhouse is under a separate agreement and in the proposed plat. The Developer will give additional land to the District for Sandpiper Drive to accommodate the relocation of the guardhouse. Mr. Pires reviewed the documents in the distributed packet, including an infrastructure improvement fact sheet/summary, an email chain with a redlined portion involving Mr. Minor and Mr. Cole, the Fiddler’s Creek Plaza Site Plan, and various exhibits. The new agreement would reflect what is on the proposed revised plat. The first six-acre area and Tract A would be dedicated to the
District through Sandpiper Drive and Tracts A-1 and B would also be dedicated. All three Tracts would be maintained by the Association. Mr. Miller recalled his previous suggestion to Mr. Pires that the agreement contain a description of the work that the Association committed to doing, sets forth the details of the operation and maintenance (O&M) of the improvements, which would be outlined in the permits, and indemnity for the District from the Association. Mr. Pires noted that the original agreement stated that the 31 acres would not be utilizing any District facilities so no assessments would be imposed. The total acreage changed to 36 acres but, provided that the Association operates and maintains Tracts B and A-1, in compliance with all permits, the District would not impose assessments on the 36 acres. Mr. Klug asked about time constraints. Mr. DiNardo stated the Publix contract with Halvorsen would close on January 29th so he needs the documents approved and executed before then.

Mr. Pires asked for a waiver of conflict of interest from the District, as his firm also represents the Developer entities, through his partner, Mr. Mark Woodward.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, waiving a conflict of interest to the extent any exist and authorizing the Chair to execute a conflict of interest waiver form related to this transaction, was approved.

Mr. Pires confirmed that no assessment would be imposed, as the Association would be responsible for the maintenance, which would be reflected in the contract language, along with the penalties if the Association does not perform the maintenance. Discussion ensued regarding Tract D, access easements, the Wellness Center, documents that must be submitted to the County, termination of the old agreement, and execution of the new agreement.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the three documents to be submitted to the County and the SFWMD, terminating the old agreement, and authorizing the Chair to execute the new agreement, in substantial form consistent with previous discussions between the Chair, District Staff and Mr. Minor, were approved.
Mr. Pires would forward the documents to the Board, once executed. Mrs. Adams would ensure that the handouts are attached to the meeting minutes.

FOURTH ORDER OF BUSINESS

Mr. Willis distributed the Report and gave a PowerPoint presentation highlighting the following:

➢ Gatehouse entries for December exceeded 51,000.
➢ Occupancy was about 255 homes higher per week than last year.
➢ Patrol Mileage: Approximately 163 miles per day, equating to about 80,000 miles, year-to-date.

New Patrol Vehicles: The new vehicles were put into service. The truck would be able to catch nuisance animals. A license was acquired and Staff was trained on animal removal.

➢ Incidents: The number increased compared to the prior month, primarily due to illegal fishing and residents trespassing through construction sites.

Ms. Viegas asked about the date of the reports. Mr. Willis stated the months were not changed, but data was correct.

➢ Traffic Hawk Placement: Six possible locations throughout the community were identified, with a focus on catching speeders and those running stop signs.

Mr. Miller stated there is a need for a stop sign at the intersection of Campanile and Museo. Discussion ensued regarding the areas in need of stop signs, the costs and features of the different devices such as the mobile Traffic Hawk, permanent Traffic Hawk, the Guardian, etc. Per Mr. Miller, Mr. Willis would include the details of the proposed traffic control devices in his February report. Ms. Viegas asked about CDD #1’s reaction to the devices. Ms. DiNardo noted that there is a pre-stop sign warning to motorists on the approach of Campanile and Museo where an LED device could be placed.

➢ Arbor work was underway

➢ Radio-frequency identification (RFID): Scanner for employees to access the Championship Drive gate was activated and working well.

➢ Irrigation: All hardware was installed to interface with satellites. During testing, a software issue was found, which delayed the project a few weeks.
Ms. Viegas asked about the Oyster Harbor street conditions, the company that caused an oil spill in Oyster Harbor, and the construction road accessibility. Mr. Willis stated that Collier County Code enforcement was contacted, representatives were dispatched, and the streets seemed cleaner. There was no response from George’s Trucking Company who caused the oil spill. Mr. Willis would contact them again. Mr. Pires noted he sent a letter to Taylor Morrison (TM) regarding the condition of the streets. Ms. Viegas asked which road 911 responders would take when Sandpiper Drive is closed. Mr. Willis would provide an answer at the next meeting.

FIFTH ORDER OF BUSINESS  
Developer’s Report/Update

This item was presented following the Third Order of Business.

SIXTH ORDER OF BUSINESS  
Presentation: Collier County’s Comprehensive Water Shed Improvement Plan (by Gary McAlpin, Manager – Coastal Zone Management)

This item was deferred to the next meeting, as Mr. McAlpin was not in attendance. Mr. Pires stated he would ask Mr. McAlpin to attend the next meeting.

SEVENTH ORDER OF BUSINESS  
Ratify Consideration of Resolution 2020-03, Accepting the Updated Report of the District Engineer Dated November 2019 for the Phase 3 Project Funded by the 2005 Series Bond (the “2005 Series Project”); and, Providing for Severability, Conflicts and an Effective Date

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, Resolution 2020-03, Accepting the Updated Report of the District Engineer Dated November 2019 for the Phase 3 Project Funded by the 2005 Series Bond (the “2005 Series Project”); and, Providing for Severability, Conflicts and an Effective Date, was ratified.
EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2020-05, Classifying Surplus Tangible Personal Property; Authorizing Disposition of Surplus Tangible Personal Property; Providing a Severability Clause; and Providing an Effective Date

Mr. Miller presented Resolution 2020-05.

Recalling discussion at the last meeting and a memorandum from Mr. Pires, Mr. Adams stated that Management would not bid on the vehicles. Resolution 2020-05 would authorize Staff to follow the regular procedures for disposition of surplus property. His understanding was that the Developer planned to bid on the vehicles.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, Resolution 2020-05, Classifying Surplus Tangible Personal Property; Authorizing Disposition of Surplus Tangible Personal Property; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Presentation/Discussion: Certain Documents Pertaining to CDD Drainage System Responsibilities for “The Shoppes” Project

This item was discussed during the Developer’s Report/Update.

TENTH ORDER OF BUSINESS

Consideration of Award of Contract for Landscape Maintenance

Mrs. Adams distributed a handout with the landscape bidding results and reported the following:

➤ There was a reduction in cost due to the removal of arbor care from the agreements.

➤ Two of the five companies that attended the pre-bid meeting submitted bids. The bids were sealed.

Mr. Mark Swanson, of LandCare, noted that the bidding was competitive, confirmed the reduction in pricing due to the removal of arbor care, palm/tree pruning and maintenance from the contract, and emphasized LandCare’s familiarity with the property.
Discussion ensued regarding the whitefly treatment, whether there were any current issues with LandCare’s service, and the three contract options that were being considered. In response to Ms. DiNardo’s question, Mrs. Adams stated both bidders give exceptional service. Ms. Viegas asked that debris be removed from the planting beds on Club Center Boulevard.

Mr. Mark Grimes, of GulfScapes, stated his team has serviced CDD #2 since 2015 and, in that time frame, the landscaping in Aviamar and Oyster Harbor has markedly improved. Mr. Miller asked how many villages were maintained by GulfScapes. Mr. Grimes listed four areas and stated separate crews service those areas from the crew that services the CDD #2 property. GulfScapes has shown very consistent performance and would continue to provide the same consistent level of service.

Mr. Pires asked that Mrs. Adams’ memorandum be included as a part of the minutes. Mr. Klug questioned the cost of keeping both contractors when the goal is to be cost-conscious while obtaining quality landscape services. Mr. Miller felt that having two contractors instead of one was advantageous because there is backup in case one company falters. He felt that it was necessary to maintain a competitive environment to ensure that both contractors provide a high level of service. Mr. Pires concurred that it was more advantageous for the District to have two, separate contractors in terms of reliability, scope of work, etc. Discussion ensued regarding the contractors, the different areas, bid amounts, budget, and future expansion.

**On MOTION by Ms. Viegas and seconded by Ms. DiNardo, with Ms. Viegas, Ms. DiNardo, Mr. Nuzzo and Mr. Miller in favor and Mr. Klug dissenting, awarding the Aviamar/Oyster Harbor contract to GulfScapes, for one year with a second year renewal option, was approved. (Motion passed 4-1)**

**On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, awarding the Veneta contract to LandCare, for one year with a second year renewal option, was approved.**

- **District Engineer: Hole Montes Inc.**
- This item was an addition to the agenda

Mr. Cole distributed handouts and reported the following:
The estimated fee for his review of the Watershed Improvement Plan was $4,000.
Permits and calculations and how they impact the CDDs would be reviewed; however, no negative impact on Fiddler’s Creek was anticipated.
The County plans to install water monitoring stations and provide documentation showing any effects on the CDDs’ lake levels.

Mr. Miller asked if Mr. Cole saw the new presentation. Mr. Cole stated there were a few different versions of the document available but he did not anticipate an impact from either one. He would coordinate with District Staff accordingly. Asked if the $4,000 fee was a one-time charge, Mr. Cole stated it would be a lengthy analysis, with months when he does nothing. The $4,000 was an initial fee submitted to each District and, as the permitting process unfolds, there could be additional charges. Ms. DiNardo asked if the County addressed how the CDDs’ water quality, potential flooding and homeowners’ insurance would be affected. Mr. Cole did not anticipate any issues but would be reviewing the lakes nonetheless.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, authorizing Staff to attach Hole Montes’ letter to Mr. Adams from January 20, 2020, as an exhibit of the minutes, and consenting to the proposal as set forth in the letter, was approved.

Mr. Cole presented a revised worksheet of 2005 Bond Items (Fund Exchange 2014-2) Probable Costs to Complete Remaining Work.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the revised 2005 Bond Items (Fund Exchange 2014-2) Probable Cost to Complete Remaining Work, in the amount of $1,379,634, was approved.

Mr. Cole presented Requisition #157, in the amount of $2,194.70, for soft costs for renewal of a construction bond and for work completed by Grady Minor related to punch list items. The time frame for completion of the street repair project on Aviamar Circle in Millbrook was not known.
Mr. Cole distributed a handout related to Sunshine 811 Utilities, which is a state network requiring any contractor performing underground digging to call the Sunshine 811 network. A ticket is then produced and the utility companies and the CDD are notified. Sunshine 811 is the same service as "No Dig", but with a new name and number. This could impact the CDD’s budget in that, if the District Engineer and utility companies are contacted, they must respond.

Mr. Bill Parenteau, a resident, asked who would remove the flags once the work is completed. Mrs. Adams stated that nobody regulates that.

Mr. Cole stated that he recently met with Mr. Keith Norton, of TM, regarding the Amador water issue discussed at the previous meeting and punch list items in Oyster Harbor. Upon inspection, Mr. Norton would request as-built drawings from Grady Minor for the swale and buffer so a solution can be proposed. Ms. Viegas asked if Mr. Norton seems agreeable to fix the problem. Mr. Cole replied that Mr. Norton was aware of it and indicated that he would take action. Mr. Miller asked about Board notification and the time frame. Mr. Cole stated that he would follow up with Mr. Norton, notify Amador, and give an update at the next meeting. Mr. Cole responded to questions regarding the punch list items, paver repairs, Collier Paving, the sub-base, and leaks in the Veneta fountain.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2019

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2019. He responded to questions regarding “Legal litigation”, at $60,000, accessing contingency funds, and Series 2003 and 2014 bond payments. The financials were accepted.

TWELFTH ORDER OF BUSINESS

Consideration of December 11, 2019 Regular Meeting Minutes

Mrs. Adams presented the December 11, 2019 Regular Meeting Minutes.

The following changes were made:

Lines 77, 78 and 81: Move sentence that starts with “Mr. Klug” to Line 81, after “guilty”
Line 111: Change "DCR" to "DRC"
Lines 115 and 117: Change "Horton" to "Norton"

Line 116: Change “land development” to “Land Development”

Line 365: Delete the first sentence

**On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, the December 11, 2019 Regular Meeting Minutes, as amended, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**A. District Counsel: Woodward, Pires and Lombardo, P.A.**

Mr. Pires reported the following:

- The Tract E Agreement was still unexecuted.
- A response from TM regarding the Mussorie land bridge documentation was pending; he would follow up.

**B. District Manager: Wrathell, Hunt and Associates, LLC**

- NEXT MEETING DATE: February 26, 2020 at 10:00 A.M.
  - QUORUM CHECK

The next meeting was scheduled for February 26, 2020.

**C. Operations Manager: Wrathell, Hunt and Associates, LLC**

Mrs. Adams distributed and presented the Field Operations Report.

Mr. Miller asked about the fishkill in the lakes and dissolved oxygen. Mrs. Adams stated the water was sampled to determine the type of algae that caused the fishkill; the results were pending. Upon receipt of the lab data, the, Board would be apprised of the results. As to what can be done to remedy the issue, Mrs. Adams stated the algae was treatable. Ms. DiNardo noted that she previously toured the lakes with Staff and commended Mrs. Adams for doing a great job with SOLitude Lake Management and the maintenance. Regarding the chlorine feeders for the fountains and the issues raised at the last meeting, Mrs. Adams stated that the issues were researched, there were no concerns, and the feeders would be installed on Thursday.
FOURTEENTH ORDER OF BUSINESS  

Supervisors’ Requests

There being no Supervisors’ requests, the next item followed.

FIFTEENTH ORDER OF BUSINESS  

Adjournment

There being no further business to discuss, the meeting adjourned at 12:20 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]
Secretary/Assistant Secretary

Chair/Vice Chair
Anthony Pires

From: Terry Cole <TerryCole@hmeng.com>
Sent: Tuesday, January 21, 2020 3:32 PM
To: SW FLA; Mark Minor; Elliot Miller; Chuck Adams (adamsc@whhassociates.com); Mark Woodward; Tony DiNardo; Anthony Pires
Subject: RE: Fiddler’s Creek Plaza/ CDD #2

I have reviewed the revised information Mark Minor provided and have no comments. He addressed my previous comments. The plat and plans correctly describe the use, ownership, and maintenance of Tracts A, A-1 and B.

W. Terry Cole, P.E.
District Engineer, Fiddler’s Creek - CDD #1 and CDD #2
HOLE MONTES, INC.
950 Encore Way
Naples, FL 34110

Telephone (239) 254-2024
Fax (239) 254-2099
Email: terrycole@hmeng.com

From: SW FLA <swfla50@hotmail.com>
Sent: Tuesday, January 21, 2020 2:41 PM
To: Mark Minor <MMinor@gradyminor.com>; Elliot Miller <elliot_mllr@yahoo.com>; Terry Cole <TerryCole@hmeng.com>; Chuck Adams (adamsc@whhassociates.com) <adamsc@whhassociates.com>; Mark Woodward <mwoodward@wpl-legal.com>; Tony DiNardo <dinardot@gulfbay.com>; apires@wpl-legal.com
Subject: Re: Fiddler’s Creek Plaza/ CDD #2
Importance: High

I suggest that this email and the attached documents be sent/forwarded ASAP to the Board members so they can be discussed at tomorrow’s meeting.
Tony Pires

From: Katie Lane <klane@gradyminor.com> on behalf of Mark Minor <MMinor@gradyminor.com>
Sent: Tuesday, January 21, 2020 11:54 AM
To: Elliot Miller <elliot_mllr@yahoo.com>; Terry Cole <terrycole@hmeng.com>; Chuck Adams (adamsc@whhassociates.com) <adamsc@whhassociates.com>; Mark Minor <MMinor@gradyminor.com>; Mark Woodward <mwoodward@wpl-legal.com>; Tony DiNardo <dinardot@gulfbay.com>; SW FLA <swfla50@hotmail.com>
Subject: RE: Fiddler’s Creek Plaza/ CDD #2

From: Elliot Miller <elliot_mllr@yahoo.com>
Sent: Monday, January 20, 2020 12:52 PM
To: Terry Cole <terrycole@hmeng.com>; Chuck Adams (adamsc@whhassociates.com) <adamsc@whhassociates.com>; Mark Minor <MMinor@gradyminor.com>; Mark Woodward <mwoodward@wpl-legal.com>; Tony DiNardo
Tony:
Regarding your point 3 below, the Association is maintaining Tracts 1-A and B as a principal with the sole responsibility for doing so, not as an agent "on behalf of" CDD 2. It should be clear that the District has no responsibility whatsoever towards those 2 Tracts, and that such obligations rest solely with the Association. Also, why is Mark Minor doing this legal work in preparing legal documents? That should be done either by you on behalf of the District or by Mark Woodward on behalf of the Association (not that there are any conflicts of interest around).

Elliot

On Monday, January 20, 2020, 10:29:08 AM EST, SW FLA <swfla50@hotmail.com> wrote:

Thank you Terry.

Mark Minor:

1. can you address Terry’s comments, including the comment as to "a portion of Sandpiper Drive may drain into the lake in Tract B" and also correct the typos in the narrative and exhibits?
   - The exhibits have been revised and attached per Terry’s comments. The word Sandpiper is now spelled correctly on all exhibits. The plans have been revised to delete the word “Private” when calling out Sandpiper Drive and Sandpiper Lane right-of-way. As to the lake in Tract B, a large portion of Sandpiper Drive drains into the lake. Existing catch basins (93 and 94 on our plans) are directly connected to the lake. Additionally, the Tract ‘B’ lake will be a part of the Phase 5 Unit 2 stormwater system all of which provides CDD#2 water management.

2. please reply y]to all and send to all on this email the latest version of the revised proposed plat. Please see the version I was advised is the latest.
   - This email reply contains the latest plat version containing dedications with maintenance responsibilities to CDD#2 of Tract ‘A’ only. The dedication of A-1 and B to CDD#2 are made without responsibility of maintenance. The dedication of Tracts A-1 and B are made to the association with responsibility for maintenance.

3. I suggest that you clarify the last sentence of #2 and #3. The last version I saw of the proposed plat dedicates both Tract B and Tract A-1 to CDD#2 with CDD#2 being responsible for maintenance. I understand that the current proposed concept is that the referenced association will maintain those two areas on behalf of CDD#@ in lieu of the commercial properties being assessed for o&m of those two tracts.
   - The plat calls for Tracts A-1 and B to be maintained by the association.

4. I suggest you also add to the narrative that the proposed plat dedicates a 50 foot wide landscape buffer easement over Tract B to the referenced association, with the responsibility for maintenance being that of the referenced association.
   - The narrative document has been revised to reflect today’s date and expanded to describe the 50’ wide landscape buffer along US 41 through Tract ‘B.’ That language is at the end of paragraph 3, small stormwater pond.

5. please also include in the narrative that the acreage involved in the agreement concerning assessments is greater than in the original "no assessment" agreement. That is, original executed agreement states that the property consists of 31.02 AC. The revised legal description consists of 35.63 AC. Thus, it is different than the original agreement area. The revised area is the same as the Fiddler’s Creek Plaza overall plat area, less Tract A Sandpiper Drive.
• We have added a paragraph about the projects increase in total area to the narrative document under background as the third paragraph.

Thanks
Tony Pires

From: Terry Cole <TerryCole@hmeng.com>
Sent: Friday, January 17, 2020 5:17 PM
To: SW FLA <swfla50@hotmail.com>; Elliot Miller <elliott_mllr@yahoo.com>; elliott.miller@fiddlerscreekcdd2.net <elliott.miller@fiddlerscreekcdd2.net>; Chuck Adams (adamsc@whhassociates.com) <adamsc@whhassociates.com>
Subject: RE: Fiddler's Creek Plaza / CDD #2

Tony and Chuck,

I reviewed the attachments and have the following comments:

1. There are typos in Exhibits B and C – Tract A-1 Sandpiper Lane (add the “d” to Sandpiper).

2. On the plat dedications Tract A Sandpiper Drive is dedicated as a road right of way to CDD#2. In a previous version of the plat, Tract A was labeled as “Private”, that designation was later deleted since CDD roads are not private. The “Private” designation for Sandpiper Drive should be deleted from the plans, as it was on the plat.

3. On the Description of Infrastructure Improvements Related to Fiddler’s Creek CDD #2 under SFWMD ERP Modification, item 3., it is stated in part:

3) Small Storm Water Pond: Proposed lake to attenuate and provide water quality treatment for Sandpiper Lane and a small portion of Sandpiper Drive...

Presently Sandpiper Drive drains entirely to the west into lake 85 within Aviamar, Ph. 5, Unit 2. When the lake and connecting stormwater piping are completed, a portion of Sandpiper Drive may drain into the lake in Tract B. This lake will discharge to the west into lake 85.

Please let me know if you have any questions.

W. Terry Cole, P.E.
District Engineer, Fiddler’s Creek - CDD #1 and CDD #2
HOLE MONTES, INC.
950 Encore Way
Naples, FL 34110

Telephone (239) 254-2024
Fax (239) 254-2099
Email: terryc@hmeng.com

From: SW FLA <swfla50@hotmail.com>
Sent: Friday, January 17, 2020 2:47 PM
To: Elliot Miller <elliott_mllr@yahoo.com>; elliott.miller@fiddlerscreekcdd2.net; Chuck Adams (adamsc@whhassociates.com) <adamsc@whhassociates.com>; Terry Cole <TerryCole@hmeng.com>
Subject: Fw: Fiddler’s Creek Plaza / CDD #2
Importance: High

From: Anthony Pires
Sent: Friday, January 17, 2020 2:40 PM

3
Terry, Chuck please review and provide me with any comments.

Thanks

Tony
Anthony P. Pires, Jr., B.C.S.
Woodward, Pires & Lombardo, P.A.
3200 North Tamiami Trail
Suite 200
Naples, Florida 34103
239-649-6555 Phone
239-649-7342 Fax
apires@wpl-legal.com

Firm Website: [www.wpl-legal.com](http://www.wpl-legal.com)
This transmittal and/or attachments may be a confidential attorney-client communication or may otherwise be privileged or confidential. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal and/or attachments in error, please notify us immediately by reply or by telephone (call us at 239-649-6555) and immediately delete this message and all its attachments.

From: Kim Scher <kscher@gradyminor.com>
Sent: Friday, January 17, 2020 1:52 PM
To: Anthony Pires <APires@wpl-legal.com>
Cc: 'dinardoT@gulfbay.com' <dinardoT@gulfbay.com>; Mark Woodward <MWoodward@wpl-legal.com>; Mark Minor <MMinor@gradyminor.com>
Subject: Fiddler's Creek Plaza / CDD #2

Tony,

Here is information about the project and the relation to CDD #2 including the permit application documents to be completed by CDD #2.

Let me know if you need anything else.

Mark W. Minor, P.E.
President

GradyMinor

3800 Via Del Rey
Bonita Springs, FL 34134
Phone - 239.947.1144
Fax - 239.947.0375
Web - [http://www.gradyminor.com](http://www.gradyminor.com)

Please consider the environment before printing this email

DISCLAIMER: This communication from O. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. O. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.
**Fiddler's Creek Plaza**

**Construction Plans And Plat (PL20160003105)**

Located in Collier County
Section 13,18 Township 51 South, Range 26 East

Owner/Developer:
FC Oyster Harbor, LLC
8156 Fiddler's Creek Parkway
Naples, Florida 34114
Tel: 239.732.9400
e-mail: dinardo@gulfbay.com

FCC Preserve, LLC
8156 Fiddler's Creek Parkway
Naples, Florida 34114
Tel: 239.732.9400
e-mail: dinardo@gulfbay.com

**Legal Descriptions**

Located in Collier County
Section 13, 18 Township 51 South, Range 26 East

**Severity**

**Vicinity Map**

**Location Map**

Prepared by:
GradyMinor

**Index of Sheets**

1. COVER SHEET AND INDEX OF DRAWINGS
2. GENERAL NOTES
3. (AERIAL, EXISTING CONDITIONS AND CLEARING PLAN)
4. OVERALL SITE PLAN AND ZONING DATA SHEET
5. GRADING, PAVING AND DRAINAGE PLAN
6. UTILITY ADJUSTMENT PLAN
7. PLAN AND PROFILE - SANDPIPER DINGO
8. LAKE EXCAVATION PLAN
9. IN FILL PLAN
10. SIGNING AND MARKING PLAN
11. GENERAL, UTILITY DETAILS
12. WATER DETAIL SHEET
13. WASTewater DETAIL SHEET
14. GRADING, PAVING AND DRAINAGE DETAILS
15. GRADING, PAVING AND DRAINAGE SECTIONS
16. DEMOLITION AND EROSION CONTROL PLAN

**Revisions**

<table>
<thead>
<tr>
<th>Revision</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
January 22, 2020

South Florida Water Management District
2301 McGregor Blvd.
Fort. Myers, FL 33901

Re: Shoppes at Fiddler’s Creek a/k/a Fiddler’s Creek Plaza (Applications #190808-1673 and #190808-4) Operation and Maintenance Responsibility

To Whom It May Concern:

The District Engineer for the Fiddler’s Creek Community Development District #2 (CDD#2) has reviewed the surface water management system for the proposed drainage associated with Tract A (Sandpiper Drive) and has recommended that the Board of Supervisors of CDD#2 be approved to operate and maintain the surface water management system associated with Tract A (Sandpiper Drive).

Best Regards,
Fiddler’s Creek Community Development District #2

Chesley “Chuck” Adams, Jr.
District Manager
AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S): Fiddler's Creek Plaza

I,____________________________________ (print name), as __________________________________________ (title, if applicable) of Fiddler's Creek Community Development District #2 (company, if applicable), swear or affirm under oath, that I am the (choose one) **owner☑ application☐ contract purchase☐ and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property Parcel ID #32433057025 as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application as to Tract "A", Parcel ID #32433057025 are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions impaction.
5. We/I authorize ☐ L. Grady Minor & Associates, P.A. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes: **owner of Tract "A", Parcel ID #32433057025
• If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
• If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
• If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
• If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
• If the applicant is a trust, then they must include the trustee's name and the words "as trustee."
• In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization as to Parcel ID #32433057025 and that the facts stated in it are true.

_________________________________________  __________________________
Signature                                      Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on _________________ (date) by __________________________________________ (name of person providing oath or affirmation), as __________________________________________ who is personally known to me or who has produced __________________________________________ (type of identification) as identification.

_________________________________________  __________________________
STAMP/SEAL                                    Signature of Notary Public
This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract &quot;A&quot;, Phase 5 Aviamar, Unit One is owned by a governmental body.</td>
<td></td>
</tr>
<tr>
<td>Fiddler's Creek Community Development District #2</td>
<td>100%</td>
</tr>
<tr>
<td>c/o Anthony P. Pires, Jr., Woodward, Pires &amp; Lombardo, P.A.</td>
<td></td>
</tr>
<tr>
<td>3200 N. Tamiami Trail, Suite 200</td>
<td></td>
</tr>
<tr>
<td>Naples, FL 34103</td>
<td></td>
</tr>
</tbody>
</table>

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>


c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
d. If the property is in the name of a Limited Liability Company list the name of the general and/or limited partners:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>


e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date of Contract: ___________

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

<table>
<thead>
<tr>
<th>Name and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>


g. Date subject property acquired [7/25/2013]  

☐ Leased: Term of lease ___________ years /months

If, Petitioner has option to buy, indicate the following:
Date of option: ____________________

Date option terminates: ______________, or

Anticipated closing date: ____________

**AFFIRM PROPERTY OWNERSHIP INFORMATION**

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:

Growth Management Department  
ATTN: Business Center  
2800 North Horseshoe Drive  
Naples, FL 34104

_______________________________  __________________
Agent/Owner Signature Date

CHESLEY E. ADAMS, JR., DIST. MGR.

Agent/Owner Name (please print)
Background:
A Publix grocery store anchored shopping center is planned at the southeast corner of Sandpiper Drive and US 41 within Fiddler’s Creek, Collier County Florida.

The Board entered into an “Agreement” with FCC Preserve, LLC on June 27, 2018. Final engineering design and permitting has been ongoing in recent months and certain regulatory requirements related to the permitting of supporting infrastructure necessitate CDD #2 to become a permittee.

The project boundary has been modified due to site planning and final design considerations. The project total area increased from 31.02 acres to 35.63 acres.

The Fiddler’s Creek Plaza Site Plan is attached hereto as Exhibit ‘A’.

Purpose:
Completion of the permitting process requires CDD #2 to execute permit application documents related to the Environmental Resource Permit (ERP) Modification issued by South Florida Water Management District (SFWMD) and Construction Plans and Plat Permit (PPL) issued by Collier County.

SFWMD ERP Modification

The ERP was formerly known as surface water management permit. As related to CDD #2, a modification to the ERP is required due to alterations along Sandpiper Drive (to accommodate the relocated gatehouse), construction of Sandpiper Lane and the small storm water pond located at the northeast corner of Sandpiper Drive and Sandpiper Lane.

The relation of the new infrastructure to CDD #2 is as follows:

1) Sandpiper Drive is an existing major Fiddler’s Creek street owned and maintained by CDD #2. Alterations to Sandpiper Drive to accommodate relocation of the gatehouse require additional right-of-way (widen the street). The additional land is depicted on Exhibit ‘B”, Sandpiper Drive Right-of-Way Expansion”.

CDD #2 will own and maintain Sandpiper Drive Right-of-Way or Tract ‘A” of the proposed Fiddler’s Creek Plaza Plat that is attached as Exhibit ‘C’.
CDD #2 would own and maintain the water management facilities within Tract ‘A’ and SFWMD requires a letter stating same from CDD #2 prior to issuing the ERP Modification.

2) Sandpiper Lane: Proposed access to the Publix shopping center from Fiddler’s Creek. The prosed road and supporting infrastructure are part of the PPL plan set attached hereto as Exhibit ‘D” “PLANS”. Sandpiper Lane is depicted on the Plat as Tract A-1. CDD #2 will not maintain Tract A-1 as the responsible maintenance entity will be Fiddler’s Creek Plaza Association, Inc.

3) Small Storm Water Pond: Proposed lake to attenuate and provide water quality treatment for Sandpiper Lane and a portion of Sandpiper Drive. The lake is to be located on Tract ‘B’ as depicted on the Plat and in addition to the lake will include drainage facilities, landscape and signage. Similar to Sandpiper Lane, Tract ‘B’ will not be maintained by CDD #2 but will be maintained by the Fiddler’s Creek Plaza Association, Inc. The plat contains a 50’ wide landscape buffer easement along US 41 that continues across Tract ‘B’. It is anticipated that the buffer will contain project signage as well as landscaping. The 50’ landscape buffer will be maintained by the Fiddler’s Creek Plaza Association, Inc.

Summary:
There are (3) three documents that require execution by CDD #2 to complete permitting of the ERP Modification and PPL.

We request that the CDD authorize execution of the following permit application documents.

For SFWMD ERP:

• Responsibility Letter

For PPL:

• Affidavit of Authorization
• Property Ownership Disclosure Form

The permit application documents are attached as Exhibit ‘E’ (to be provided by Tony Pires)
TRACT B

TRACT A-1

TRACT C

SANDPIPER LANE

TRACT A

TRACT A

TRACT E

TRACT F

0.26 AC ADDED TO TRACT A

SANDPIPER DRIVE RIGHT-OF-WAY EXPANSION

EXHIBIT 'B'
Fiddler's Creek Plaza
Construction Plans And Plat (PL20160003105)

Located in Collier County
Section 13,18 Township 51 South, Range 26 East

Owner/Developer:
FC Oyster Harbor, LLC
8156 Fiddler's Creek Parkway
Naples, Florida 34114
Tel: 239.732.9400
e-mail: dinardoa@gulfbay.com

FCC Preserve, LLC
8156 Fiddler's Creek Parkway
Naples, Florida 34114
Tel: 239.732.9400
e-mail: dinardoa@gulfbay.com

LEGAL DESCRIPTIONS
FOR LEGAL DESCRIPTIONS REFER TO SHEET 12 OF 16

Vicinity Map

Location Map

Prepared by:
GradyMinor

Index of Sheets

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>COVER SHEET AND INDEX OF DRAWINGS</td>
</tr>
<tr>
<td>2.</td>
<td>GENERAL NOTES</td>
</tr>
<tr>
<td>3.</td>
<td>EXISTING CONDITIONS AND CLEARING PLAN</td>
</tr>
<tr>
<td>4.</td>
<td>OVERALL SITE PLAN AND ZONING DATA SHEET</td>
</tr>
<tr>
<td>5.</td>
<td>GRADING, PAVING AND DRAINAGE PLAN</td>
</tr>
<tr>
<td>6.</td>
<td>UTILITY ADJUSTMENT PLAN</td>
</tr>
<tr>
<td>7.</td>
<td>PLAN AND PROFILE - SANITARY SEWER</td>
</tr>
<tr>
<td>8.</td>
<td>LAKE EXCAVATION PLAN</td>
</tr>
<tr>
<td>9.</td>
<td>INFILL PLAN</td>
</tr>
<tr>
<td>10.</td>
<td>ZONING AND MARKING PLAN</td>
</tr>
<tr>
<td>11.</td>
<td>GENERAL UTILITY DETAILS</td>
</tr>
<tr>
<td>12.</td>
<td>WATER DETAIL SHEET</td>
</tr>
<tr>
<td>13.</td>
<td>WASTEWATER DETAIL SHEET</td>
</tr>
<tr>
<td>14.</td>
<td>GRADING, PAVING AND DRAINAGE DETAILS</td>
</tr>
<tr>
<td>15.</td>
<td>GRADING, PAVING AND DRAINAGE SECTIONS</td>
</tr>
<tr>
<td>16.</td>
<td>DEMOLITION AND EROSION CONTROL PLAN</td>
</tr>
</tbody>
</table>
January 22, 2020

South Florida Water Management District
2301 McGregor Blvd.
Fort. Myers, FL 33901

Re: Shoppes at Fiddler’s Creek a/k/a Fiddler’s Creek Plaza (Applications #190808-1673 and #190808-4) Operation and Maintenance Responsibility

To Whom It May Concern:

The District Engineer for the Fiddler’s Creek Community Development District #2 (CDD#2) has reviewed the surface water management system for the proposed drainage associated with Tract A (Sandpiper Drive) and has recommended that the Board of Supervisors of CDD#2 be approved to operate and maintain the surface water management system associated with Tract A (Sandpiper Drive).

Best Regards,
Fiddler’s Creek Community Development District #2

Chesley “Chuck” Adams, Jr.
District Manager
AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S)  Fiddler's Creek Plaza

I, ____________________________________________ (print name), as ___________________________ (title, if applicable) of Fiddler's Creek Community Development District #2 (company, if applicable), swear or affirm under oath, that I am the (choose one) **own[✔]_ applica[☐]_ contract purchase[☐]_ and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property Parcel ID#32433057025 as a result of any action approved by the County in accordance with this application and the Land Development Code;

2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application as to Tract "A", Parcel ID #32433057025 are honest and true;

3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that

4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions impact;

5. We/I authorize Q. Grady Minor & Associates, P.A. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes: **owner of Tract "A". Parcel ID #32433057025
- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (LL.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company’s “Managing Member.”
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the “general partner” of the named partnership.
- If the applicant is a trust, then they must include the trustee’s name and the words “as trustee”.
- In each instance, first determine the applicant’s status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization as to Parcel ID #32433057025 and that the facts stated in it are true.

_________________________          ____________________________
Signature                                           Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on _____________ (date) by
______________________________________________ (name of person providing oath or affirmation), as
___________________________ who is personally known to me or who has produced _______________________
(type of identification) as identification.

_________________________
STAMP/SEAL

_________________________
Signature of Notary Public
PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an **INDIVIDUAL**, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract &quot;A&quot;, Phase 5 Aviamar, Unit One is owned by a governmental body.</td>
<td></td>
</tr>
<tr>
<td>Fiddler's Creek Community Development District #2</td>
<td>100%</td>
</tr>
<tr>
<td>c/o Anthony P. Pires, Jr., Woodward, Pires &amp; Lombardo, P.A.</td>
<td></td>
</tr>
<tr>
<td>3200 N. Tamiami Trail, Suite 200</td>
<td></td>
</tr>
<tr>
<td>Naples, FL 34103</td>
<td></td>
</tr>
</tbody>
</table>

b. If the property is owned by a **CORPORATION**, list the officers and stockholders and the percentage of stock owned by each:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. If the property is in the name of a **TRUSTEE**, list the beneficiaries of the trust with the percentage of interest:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Created 9/28/2017
d. If the property is in the name of a Limited Liability Company list the name of the general and/or limited partners:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>


e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date of Contract: __________

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

<table>
<thead>
<tr>
<th>Name and Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>


g. Date subject property acquired **7/25/2013**

☐ Leased: Term of lease __________ years /months

If, Petitioner has option to buy, indicate the following:
Date of option: _______________________

Date option terminates: ________________, or

Anticipated closing date: ____________

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition’s final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Agent/Owner Signature ___________________________ Date ____________

CHESLEY E. ADAMS, JR., DIST. MGR.
Agent/Owner Name (please print)
TO: Fiddlers Creek CDD 2 - Board of Supervisors  
FROM: Cleo Adams – District Manager  
DATE: January 22, 2020  
SUBJECT: Consideration of Award of Contract – Landscape Maintenance 

Staff recently requested bids for the District’s landscape maintenance program. Five companies requested packages and attended the mandatory pre-bid meeting; with two companies submitting bids. The two companies submitting bids are considered to be qualified and capable of meeting the scope of services required under the contract.

As is typical with the District’s contracts, this is a one year contract with a second year option to renew. The bid tabulation is as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>1st Year: Aviamar/Oyster Harbor</th>
<th>2nd Year: Aviamar/Oyster Harbor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landcare</td>
<td>$360,013.00</td>
<td>$360,013.00</td>
</tr>
<tr>
<td>GulfScapes</td>
<td>$400,942.00</td>
<td>$400,942.00</td>
</tr>
</tbody>
</table>

| Veneta          |                                |                                |
|-----------------|                                |                                |
| Landcare        | $338,208.00                    | $338,208.00                    |
| GulfScapes      | $397,000.00                    | $397,000.00                    |

| ALL             |                                |                                |
|-----------------|                                |                                |
| Landcare        | $698,221.00                    | $698,221.00                    |
| GulfScapes      | $792,424.00                    | $792,424.00                    |

LandCare, your current contractor in Veneta, have been maintaining the landscape within Veneta for the past twelve years. As of late, Landcare has been providing exception services with minimum maintenance concerns. LandCare Client references include District 1 of Fiddlers Creek, Ritz Carlton of Naples, as well as Saturnia Lakes of Naples.
GulfScapes, your current contractor in the Aviamar/Oyster Harbor Section of Fiddlers District #2, have been providing exceptional services with minimum maintenance concerns for the past three years. GulfScapes client references include The Regent, an extremely high-end landscape package on the beach, Traditions at Grey Oaks, Villages at Venetian Bay and Esperia @ Bonita Bay.

**Veneta:** The current contract value $434,652.00. Landcare’s bid submittal to retain Veneta is approximately 22% less or $96,444.00 for the first year, with a second-year option of the same.

**Aviamar/Oyster Harbor:** The current contract value $502,482.00. GulfScapes bid submittal to retain Aviamar/Oyster Harbor is approximately 20% less or $101,540.00 for the first year, with a second-year option of the same.

**Overall:** Of the bids submitted, Landcare’s combined areas bid of $698,221.00 is the lowest bid with a second-year option of the same.

Of the proposals received, it is the opinion of Management that Landcare is deemed to be the lowest, most responsive, responsible bidder to maintain the overall contract, at a first-year value of $698,221.00, with a second-year option of the same.

The considerable savings of both Landcare and GulfScapes is a direct reflection of removing the cost associated with Palm and Hardwood Maintenance.

For Fiscal Year 2019/20, the District has budgeted $984,000.00. “Other contractual” line item which is intended to cover the costs of this landscape maintenance contract.

As stated in the District’s Rules: The lowest, most responsive, responsible and best bid or the proposal most advantageous to the District, as appropriate, shall be accepted. “Lowest, most responsive, responsible and best bid or proposal” means, in the sole discretion of the Board, the lowest cost bid or proposal that is: (A) submitted by a competent, responsible person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure full performance and timely completion; and (B) most responsive to the invitation to bid or request for proposals, as determined by the Board. *Minor variations in the bid may be waived by the Board.* Bids and proposals may not be modified after opening.
<table>
<thead>
<tr>
<th>Company Name:</th>
<th>Qualifying Description:</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landcare</td>
<td>1. Use of Provided Submittal Form/Bid Surety</td>
<td>Yes - Bid Bond</td>
</tr>
<tr>
<td></td>
<td>2. Submitted in Sealed Envelope</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>3. Subcontractor Letter &amp; Qualifications</td>
<td>Yes - Southeast Spreading</td>
</tr>
<tr>
<td></td>
<td>4. i) Proof of Place of Business</td>
<td>Yes - Collier County</td>
</tr>
<tr>
<td></td>
<td>II) Adequate Resources</td>
<td>Yes - Southeast Spreading</td>
</tr>
<tr>
<td></td>
<td>III) Suitable Financial Backing</td>
<td>Yes - Equipment List provided</td>
</tr>
<tr>
<td></td>
<td>iv) References of Similar Size Scope</td>
<td>Yes - Southeast Spreading</td>
</tr>
<tr>
<td></td>
<td>v) License Certificate</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>v.i) Subcontractor Qualifications</td>
<td>Yes - Southeast Spreading</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes - Equipment List provided</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes - Southeast Spreading</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes - Collier County</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See #3</td>
</tr>
<tr>
<td>GulfScapes</td>
<td>1. Use of Provided Submittal Form/Bid Surety</td>
<td>Yes - Cashiers Check</td>
</tr>
<tr>
<td></td>
<td>2. Submitted in Sealed Envelope</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>3. Subcontractor Letter &amp; Qualifications</td>
<td>Yes - Southeast Spreading</td>
</tr>
<tr>
<td></td>
<td>4. i) Proof of Place of Business</td>
<td>Yes - Collier County</td>
</tr>
<tr>
<td></td>
<td>II) Adequate Resources</td>
<td>Yes - Equipment List provided</td>
</tr>
<tr>
<td></td>
<td>III) Suitable Financial Backing</td>
<td>Yes - Bank &amp; Credit References Provided</td>
</tr>
<tr>
<td></td>
<td>iv) References of Similar Size Scope</td>
<td>Yes - Fiddlers Districts #1 &amp; #2</td>
</tr>
<tr>
<td></td>
<td>v) License Certificate</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>v.i) Subcontractor Qualifications</td>
<td>Yes - Fiddlers Districts #2 &amp; The Brooks</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See #3</td>
</tr>
</tbody>
</table>
Fiddler’s Creek
Community Development District 1 and #2
Sunshine 811 Utility Location Procedures

The typical procedure will be as follows:

1. A contractor doing underground work with Fiddler’s Creek is required to contact the Sunshine 811 network. They should call 811 or contact the online service: www.sunshine811.com. The contractor waits the required time of 2 full business days for utilities to clear or mark the dig site.

   Note: If a contractor inquires at one of the Gatehouses about excavating, they should be referred to contact the Sunshine 811 network and the District Engineer (see below).

2. Sunshine 811 will notify their member utility companies (Collier County Utilities, communication companies, TECO Gas, Fiddler’s Creek CDD 1 and #2, etc....) so they can mark their lines, pipes or cables near the job site. This is a FREE service.

3. Sunshine 811 generates a location ticket and sends it to the utility. In the case of CDD1 or CDD#2. Hole Montes as the District Engineer receives the ticket. Specifically it goes to Tobi Charbonneau (Permitting Coordinator: tobi.charbonneau@hmg.com; 239-254-2021) or W. Terry Cole, P.E. (District Engineer: terrycole@hmg.com; 239-254-2024). Our staff review the work location and the plans we have on file for each CDD to determine if there are any CDD facilities in the vicinity of the work area.

   A. If there are no CDD facilities in the vicinity of the work area, then we respond to Sunshine 811 with the appropriate Positive Response Code (PRC).

   B. If there are CDD facilities in the vicinity of the work area, then we contact Earth View Precision Utility Locating to locate the CDD utility lines in the vicinity of the work area. They mark the utility and respond with the appropriate PRC, which we, in turn submit to Sunshine 811.

      Note: the typical CDD facilities will consist of storm drainage, streetlights/wiring, or irrigation lines.

4. The contractor may dig once the required wait time elapses. They are to compare any utility marked with the Positive Response System summary codes provided through the Sunshine 811 network. Note: when a utility does not respond, s.556.105(6)(a), F.S., allows
the contractor to proceed, but requires reasonable care and the use of detection equipment or other acceptable means to locate unmarked underground facilities.

Refer to the attached 811 Process flyer for more information.

Additional information is available at the following link: https://www.sunshine811.com/learning-center
811 PROCESS

1. Excavation is planned. White lining your proposed dig site with white paint, flags or stakes is recommended, but required when a utility cannot understand the locate description.

2. Contact Sunshine 811 at 811 or sunshine811.com to request a ticket. A ticket is valid 30 calendar days.

3. Wait the required time (2 full business days for regular dig sites and 10 full business days when digging underwater) for utilities to clear or mark the dig site. The wait time does not include weekends and holidays.

4. Utilities send their locate technicians to mark underground facilities within the required time. Sunshine 811 does NOT mark underground facilities.

5. Each utility responds to your ticket using a PRS code that indicates Clear or No Conflict, Marked, Unmarked. Both Marked and Unmarked codes may have instructions requiring your response.

6. Check the Positive Response System (PRS) throughout the required timeframe to follow each member's progress. This also gives you time to respond to any instructions before the required wait time expires.

7. All utilities have responded. You did what the utility asked you to do. Now, you can proceed to the site. But before you put a shovel in the ground, view the PRS summary again on the Sunshine 811 app. Compare the marks you see at the dig site to the PRS codes. If they don't match, contact the utility for clarification.

8. Once it's safe to dig, remember the marks are approximate and you must dig carefully near them. The underground facility's tolerance zone is 24 inches from the outer edges of a buried facility. Protect the locate marks throughout the project and request another ticket if the marks become faded or destroyed.

Note: When a utility doesn’t respond, s.556.105(6)(a), F.S., allows you to proceed, but requires reasonable care and the use of detection equipment or other acceptable means to locate unmarked underground facilities.

Utility company locating and marking practices vary. Most cities, counties and utility companies do not locate private facilities. These may include water and sewer lines from the meter to the house, and lines such as electric to a shed, irrigation systems, landscape lighting, etc. There is no law requiring you to hire a private locating company, but you are responsible for those lines when you dig. If you wish to hire a private locating company, there are many throughout the state. We have some listed in the Locating category on our Associate Membership page at sunshine811.com. Sunshine 811 does not endorse any associate members listed on its page.

© 2018 SUNSHINE 811
TRANSMITTAL

HOLE MONTES, INC.
950 Encore Way, Suite 200
Naples, Florida 34110
Telephone: (239) 254-2000
Facsimile: (239) 254-2099

| TO: FIDDLER’S CREEK CDD DISTRICT OFFICE | DATE: 01/20/20 | JOB NO. 2002036 |
| E-Mail: Schackmanass@whhassociates.com (Stephanie Spidell Schackmann) | CDD Requisition File | FROM: W. Terry Cole, P.E. District Engineer |
| Fax: (561) 571-0013 | | |
| T. DiNardo (239) 732-9400 |

There are a total of 8 pages attached to this transmittal including the cover sheet. If you do not receive the number of pages indicated, please call the above number immediately.

Attached is the “Consulting Engineer’s Approval for Non-Cost of Issuance and Capitalized Interest Requests Only”, Pay Request No. 157 Summary Description of Improvements and Location of Improvements. Please see comments on the check request summary.

I certify that the payment requested is for work included within the Bondholder approved Itemization of Probable Cost to Complete Remaining Work dated June 9, 2014, for CDD #2, 2005 Series Bond, as amended.

Three copies of the original certification are being sent via UPS Overnight First Morning Delivery.

Telefax Numbers:
Main Office: (239) 254-2099
Accounting: (239) 254-2098
NOTE:
LAKE 09 WAS PREVIOUSLY EXCAVATED UNDER THE FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT 1.
# Fiddler’s Creek Community Development District #2
## Capital Improvement Revenue Bonds, Series 2005 A/B

<table>
<thead>
<tr>
<th>Requisition #</th>
<th># 57</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>1/20/2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcategory</th>
<th>Soft Costs</th>
<th>Roads</th>
<th>Signage</th>
<th>Sidewalks</th>
<th>Bike Paths</th>
<th>Tunnels &amp; Bridges</th>
<th>Street Lighting</th>
<th>Water Mains</th>
<th>Sewer Mains</th>
<th>Irrigation</th>
<th>Effluent Mains</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soft Costs</td>
<td>$ 2,194.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$ 2,194.70</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Function:</td>
<td>Clearing</td>
<td>Excavation</td>
<td>Drainage &amp; Structures</td>
<td>Security</td>
<td>Site Improvement</td>
<td>Off Site</td>
<td>Wetland Mitigation</td>
<td>Contingencies</td>
<td>Totals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>----------</td>
<td>------------</td>
<td>-----------------------</td>
<td>----------</td>
<td>------------------</td>
<td>---------</td>
<td>-------------------</td>
<td>--------------</td>
<td>--------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subcategory:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: $ - $ - $ - $ - $ - $ - $ - $ - $ - $ - $ - $ 2,194.70