

TAMARINDO

**COMMUNITY DEVELOPMENT
DISTRICT**

August 28, 2025

BOARD OF SUPERVISORS

PUBLIC HEARING

AND REGULAR

MEETING AGENDA

TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

Tamarindo 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

August 21, 2025

Board of Supervisors
Tamarindo Community Development District

ATTENDEES:

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

Dear Board Members:

The Board of Supervisors of the Tamarindo Community Development District will hold a Public Hearing and Regular Meeting on August 28, 2025 at 1:15 p.m., at the offices of RWA, Inc., 6610 Willow Park Drive, Suite #200, Naples, Florida 34109. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Consider Appointment to Fill Unexpired Term of Seat 1; *Term Expires November 2026*
 - Administration of Oath of Office to Appointed Supervisor *(the following will be provided under separate cover)*
 - A. Required Ethics Training and Disclosure Filing
 - Sample Form 1 2023/Instructions
 - B. Membership, Obligation and Responsibilities
 - C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers
4. Consideration of Resolution 2025-08, Electing and Removing Officers of the District and Providing for an Effective Date
5. Public Hearing to Consider the Adoption of the Fiscal Year 2025/2026 Budget
 - A. Proof/Affidavit of Publication
 - B. Consideration of Resolution 2025-09, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2025, and Ending September 30, 2026; Authorizing Budget Amendments; and Providing an Effective Date

6. Consideration of Resolution 2025-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2025/2026; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date
7. Consideration of South Florida Water Management District v. Forestar (USA) Real Estate Group, Inc., Consent Order
 - Joinder by Tamarindo CDD
8. Consideration of Goals and Objectives Reporting FY2026 [HB7013 - Special Districts Performance Measures and Standards Reporting]
 - Authorization of Chair to Approve Findings Related to 2025 Goals and Objectives Reporting
9. Update: Collier County Code Enforcement Notice of Violation *(for informational purposes)*
10. Acceptance of Unaudited Financial Statements as of July 31, 2025
11. Approval of June 4, 2025 Regular Meeting Minutes
12. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - B. District Engineer: *RWA Inc.*
 - Update: Modification of the Stormwater System
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - 246 Registered Voters in District as of April 15, 2025
 - NEXT MEETING DATE: September 25, 2025 at 1:15 PM

○ QUORUM CHECK

SEAT 1		☐ IN PERSON	☐ PHONE	☐ NO
SEAT 2	CHRISTIAN COTTER	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 3	LINDSAY HERNANDEZ	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 4	MARY MOULTON	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 5	CHARLES MARSALA	☐ IN PERSON	☐ PHONE	☐ NO

13. Board Members' Comments/Requests

14. Public Comments

15. Adjournment

I look forward to seeing you at the upcoming meeting. In the meantime, should you have any questions or concerns, please do not hesitate to contact me directly at (239) 464-7114.

Sincerely,



Chesley E. Adams, Jr.
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

CALL IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 229 774 8903

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

3

**TAMARINDO COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
OATH OF OFFICE**

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

Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF _____

The foregoing oath was administered before me before me by means of ☐ physical presence or ☐ online notarization on this ____ day of _____, 20__, by _____, who is personally known to me or has produced _____ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of Tamarindo Community Development District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

Notary Public, State of Florida

Print Name: _____

Commission No.: _____ Expires: _____

MAILING ADDRESS: ☐ Home ☐ Office County of Residence _____

Street Phone Fax

City, State, Zip Email Address

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

4

RESOLUTION 2025-08

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
TAMARINDO COMMUNITY DEVELOPMENT DISTRICT ELECTING
AND REMOVING OFFICERS OF THE DISTRICT AND PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the Tamarindo Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the District’s Board of Supervisors desires to elect and remove Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF TAMARINDO COMMUNITY DEVELOPMENT
DISTRICT THAT:**

SECTION 1. The following is/are elected as Officer(s) of the District effective August 28, 2025:

_____ is elected Chair

_____ is elected Vice Chair

_____ is elected Assistant Secretary

_____ is elected Assistant Secretary

_____ is elected Assistant Secretary

SECTION 2. The following Officer(s) shall be removed as Officer(s) as of August 28, 2025:

SECTION 3. The following prior appointments by the Board remain unaffected by this Resolution:

Chesley E. Adams, Jr. is Secretary

Craig Wrathell is Assistant Secretary

Craig Wrathell is Treasurer

Jeffrey Pinder is Assistant Treasurer

PASSED AND ADOPTED this 28th day of August, 2025.

ATTEST:

**TAMARINDO COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

5

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

5A

Serial Number
25-01157C

Business Observer

Published Weekly
Naples, Collier County, Florida

COUNTY OF COLLIER

STATE OF FLORIDA

Before the undersigned authority personally appeared Holly Botkin who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Naples, Collier County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

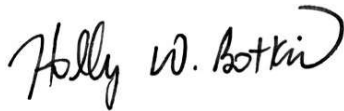
in the matter of Notice of public hearing to consider adoption of fiscal year 2026 proposed budget(s) et al

in the Court, was published in said newspaper by print in the

issues of 8/8/2025, 8/15/2025

Affiant further says that the Business Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.



Holly Botkin

Sworn to and subscribed, and personally appeared by physical presence before me,

15th day of August, 2025 A.D.

by Holly Botkin who is personally known to me.



Notary Public, State of Florida
(SEAL)



Catherine Eschmann
Comm.: HH 322509
Expires October 17, 2026
Notary Public - State of Florida

**TAMARINDO COMMUNITY
DEVELOPMENT DISTRICT
NOTICE OF PUBLIC HEARING
TO CONSIDER THE ADOPTION
OF THE FISCAL YEAR 2026
PROPOSED BUDGET(S); AND
NOTICE OF REGULAR BOARD OF
SUPERVISORS' MEETING.**

The Board of Supervisors ("Board") of the Tamarindo Community Development District ("District") will hold a public hearing and regular meeting as follows:

DATE: August 28, 2025

TIME: 1:15 p.m.

LOCATION: RWA, Inc.

6610 Willow Park Dr., Suite 200

Naples, Florida 34109

The purpose of the public hearing is to receive comments and objections on the adoption of the District's proposed budget(s) for the fiscal year beginning October 1, 2025, and ending September 30, 2026 ("Proposed Budget"). 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 at the offices of the District Manager, Wrathell, Hunt and Associates, LLC, 2300 Glades Road #410W, Boca Raton, Florida 33431 ("District Manager's Office"), during normal business hours or by visiting the District's website at <https://www.tamarindocdd.net/>.

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 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 1-800-955-9771 (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

August 8, 15, 2025

25-01157C

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

5B

RESOLUTION 2025-09

[FY 2026 APPROPRIATION RESOLUTION]

THE ANNUAL APPROPRIATION RESOLUTION OF THE TAMARINDO COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2025, submitted to the Board of Supervisors (“**Board**”) of the Tamarindo Community Development District (“**District**”) proposed budget(s) (“**Proposed Budget**”) for the fiscal year beginning October 1, 2025 and ending September 30, 2026 (“**Fiscal Year 2025/2026**”) 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 TAMARINDO 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 Tamarindo Community Development District for the Fiscal Year Ending September 30, 2026."
- 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 2025/2026, 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 or within 60 days following the end of the Fiscal Year 2025/2026 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 28TH DAY OF AUGUST, 2025.

ATTEST:

**TAMARINDO COMMUNITY DEVELOPMENT
DISTRICT**

By: _____

By: _____

Title: _____

Its: _____

Exhibit A: Fiscal Year 2025/2026 Budget(s)

Exhibit A: Fiscal Year 2025/2026 Budget(s)

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2026**

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
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**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2026**

	Fiscal Year 2025				
	Adopted Budget FY 2025	Actual through 03/31/25	Projected through 09/30/25	Total Actual & Projected	Proposed Budget FY 2026
REVENUES					
Assessment levy: on-roll - gross	\$ 82,561				\$ 82,561
Allowable discounts (4%)	(3,302)				(3,302)
Assessment levy: on-roll - net	79,259	\$75,923	\$ 3,336	\$ 79,259	79,259
Total revenues	79,259	75,923	3,336	79,259	79,259
EXPENDITURES					
Professional & administrative					
Management/accounting/recording	38,000	19,000	19,000	38,000	38,000
Legal	7,500	313	7,187	7,500	7,500
Engineering	3,500	-	3,500	3,500	3,500
Audit	6,000	4,300	1,700	6,000	6,000
Arbitrage rebate calculation	750	-	750	750	750
Dissemination agent	2,000	500	500	1,000	2,000
Trustee	8,000	-	8,000	8,000	8,000
Telephone	400	200	200	400	400
Postage	750	56	694	750	750
Printing & binding	750	375	375	750	750
Legal advertising	1,000	663	337	1,000	1,000
Annual special district fee	175	175	-	175	175
Insurance	6,364	6,016	-	6,016	6,364
Contingencies/bank charges	250	424	-	424	250
EMMA software service	-	1,000	-	1,000	-
Website					
Hosting & maintenance	705	705	-	705	705
ADA compliance	210	-	210	210	210
Property appraiser and tax collector	2,905	2,792	113	2,905	2,905
Total expenditures	79,259	36,519	42,566	79,085	79,259
Net increase/(decrease) of fund balance	-	39,404	(39,230)	174	-
Fund balance - beginning (unaudited)	8,410	10,477	49,881	10,477	10,651
Fund balance - ending (projected)	\$ 8,410	\$ 49,881	\$ 10,651	\$ 10,651	\$ 10,651

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording	\$ 38,000
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	7,500
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	3,500
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	6,000
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation	750
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent	2,000
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.	
Trustee	8,000
Annual fee for the service provided by trustee, paying agent and registrar.	
Telephone	400
Telephone and fax machine.	
Postage	750
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Printing & binding	750
Letterhead, envelopes, copies, agenda packages, etc.	
Legal advertising	1,000
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	6,364
The District will obtain public officials and general liability insurance.	
Contingencies/bank charges	250
Bank charges, automated AP routing and other miscellaneous expenses incurred during the year.	
Website	
Hosting & maintenance	705
ADA compliance	210
Property appraiser and tax collector	2,905
Total expenditures	<u><u>\$ 79,259</u></u>

TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
DEBT SERVICE FUND BUDGET - SERIES 2021
FISCAL YEAR 2026

	Fiscal Year 2025				Proposed Budget FY 2026
	Adopted Budget FY 2025	Actual through 03/31/25	Projected through 09/30/25	Total Actual & Projected	
REVENUES					
Assessment levy: on-roll	\$ 313,168				\$ 313,168
Allowable discounts (4%)	(12,527)				(12,527)
Net assessment levy - on-roll	300,641	\$ 287,988	\$ 12,653	\$ 300,641	300,641
Interest	-	5,750	-	5,750	-
Total revenues	300,641	293,738	12,653	306,391	300,641
EXPENDITURES					
Debt service					
Principal	115,000	-	115,000	115,000	115,000
Interest	174,444	87,222	87,222	174,444	171,713
Property appraiser and Tax collector	10,961	5,755	5,206	10,961	10,961
Total expenditures	300,405	92,977	207,428	300,405	297,674
Excess/(deficiency) of revenues over/(under) expenditures	236	200,761	(194,775)	5,986	2,967
OTHER FINANCING SOURCES/(USES)					
Transfers out	-	(3,079)	-	(3,079)	-
Total other financing sources/(uses)	-	(3,079)	-	(3,079)	-
Fund balance:					
Net increase/(decrease) in fund balance	236	197,682	(194,775)	2,907	2,967
Beginning fund balance (unaudited)	256,566	270,483	468,165	270,483	273,390
Ending fund balance (projected)	<u>\$256,802</u>	<u>\$ 468,165</u>	<u>\$ 273,390</u>	<u>\$ 273,390</u>	<u>276,357</u>
Use of fund balance:					
Debt service reserve account balance (required)					(144,841)
Interest expense - November 1, 2026					(84,491)
Projected fund balance surplus/(deficit) as of September 30, 2026					<u>\$ 47,025</u>

TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
SERIES 2021 AMORTIZATION SCHEDULE

	Principal	Coupon Rate	Interest	Debt Service	Bond Balance
11/01/25			85,856.25	85,856.25	4,755,000.00
05/01/26	115,000.00	2.375%	85,856.25	200,856.25	4,640,000.00
11/01/26			84,490.63	84,490.63	4,640,000.00
05/01/27	120,000.00	3.000%	84,490.63	204,490.63	4,520,000.00
11/01/27			82,690.63	82,690.63	4,520,000.00
05/01/28	125,000.00	3.000%	82,690.63	207,690.63	4,395,000.00
11/01/28			80,815.63	80,815.63	4,395,000.00
05/01/29	130,000.00	3.000%	80,815.63	210,815.63	4,265,000.00
11/01/29			78,865.63	78,865.63	4,265,000.00
05/01/30	130,000.00	3.000%	78,865.63	208,865.63	4,135,000.00
11/01/30			76,915.63	76,915.63	4,135,000.00
05/01/31	135,000.00	3.000%	76,915.63	211,915.63	4,000,000.00
11/01/31			74,890.63	74,890.63	4,000,000.00
05/01/32	140,000.00	3.375%	74,890.63	214,890.63	3,860,000.00
11/01/32			72,528.13	72,528.13	3,860,000.00
05/01/33	145,000.00	3.375%	72,528.13	217,528.13	3,715,000.00
11/01/33			70,081.25	70,081.25	3,715,000.00
05/01/34	150,000.00	3.375%	70,081.25	220,081.25	3,565,000.00
11/01/34			67,550.00	67,550.00	3,565,000.00
05/01/35	155,000.00	3.375%	67,550.00	222,550.00	3,410,000.00
11/01/35			64,934.38	64,934.38	3,410,000.00
05/01/36	160,000.00	3.375%	64,934.38	224,934.38	3,250,000.00
11/01/36			62,234.38	62,234.38	3,250,000.00
05/01/37	165,000.00	3.375%	62,234.38	227,234.38	3,085,000.00
11/01/37			59,450.00	59,450.00	3,085,000.00
05/01/38	170,000.00	3.375%	59,450.00	229,450.00	2,915,000.00
11/01/38			56,581.25	56,581.25	2,915,000.00
05/01/39	175,000.00	3.375%	56,581.25	231,581.25	2,740,000.00
11/01/39			53,628.13	53,628.13	2,740,000.00
05/01/40	185,000.00	3.375%	53,628.13	238,628.13	2,555,000.00
11/01/40			50,506.25	50,506.25	2,555,000.00
05/01/41	190,000.00	3.375%	50,506.25	240,506.25	2,365,000.00
11/01/41			47,300.00	47,300.00	2,365,000.00
05/01/42	195,000.00	4.000%	47,300.00	242,300.00	2,170,000.00
11/01/42			43,400.00	43,400.00	2,170,000.00
05/01/43	205,000.00	4.000%	43,400.00	248,400.00	1,965,000.00
11/01/43			39,300.00	39,300.00	1,965,000.00
05/01/44	215,000.00	4.000%	39,300.00	254,300.00	1,750,000.00
11/01/44			35,000.00	35,000.00	1,750,000.00
05/01/45	220,000.00	4.000%	35,000.00	255,000.00	1,530,000.00
11/01/45			30,600.00	30,600.00	1,530,000.00
05/01/46	230,000.00	4.000%	30,600.00	260,600.00	1,300,000.00
11/01/46			26,000.00	26,000.00	1,300,000.00
05/01/47	240,000.00	4.000%	26,000.00	266,000.00	1,060,000.00
11/01/47			21,200.00	21,200.00	1,060,000.00
05/01/48	250,000.00	4.000%	21,200.00	271,200.00	810,000.00
11/01/48			16,200.00	16,200.00	810,000.00
05/01/49	260,000.00	4.000%	16,200.00	276,200.00	550,000.00
11/01/49			11,000.00	11,000.00	550,000.00
05/01/50	270,000.00	4.000%	11,000.00	281,000.00	280,000.00
11/01/50			5,600.00	5,600.00	280,000.00
05/01/51	280,000.00	4.000%	5,600.00	285,600.00	-
Total	4,755,000.00		2,795,237.60	7,550,237.60	

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
ASSESSMENT COMPARISON
PROJECTED FISCAL YEAR 2026 ASSESSMENTS**

On-Roll Assessments					
	Units	FY 2026 O&M Assessment per Unit	FY 2026 DS Assessment per Unit	FY 2026 Total Assessment per Unit	FY 2025 Total Assessment per Unit
SF	251	\$ 328.93	\$ 1,247.68	\$ 1,576.61	\$ 1,576.61
Total	251				

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

6

RESOLUTION 2025-10

[FY 2026 ANNUAL ASSESSMENT RESOLUTION]

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TAMARINDO COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2025/2026; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENTS TO THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Tamarindo Community Development District (“**District**”) is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, the District has constructed or acquired various infrastructure improvements and provides certain services in accordance with the District’s adopted capital improvement plan and Chapter 190, *Florida Statutes*; and

WHEREAS, the Board of Supervisors (“**Board**”) of the District has determined to undertake various operations and maintenance and other activities described in the District’s budget (“**Adopted Budget**”) for the fiscal year beginning October 1, 2025 and ending September 30, 2026 (“**Fiscal Year 2025/2026**”), attached hereto as **Exhibit A**; and

WHEREAS, in order to fund the District’s Adopted Budget, the District’s Board now desires to adopt this Resolution setting forth the means by which the District intends to fund its Adopted Budget.

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

1. FUNDING. As indicated in **Exhibits A and B**, the District’s Board hereby authorizes the following funding mechanisms for the Adopted Budget:

a. OPERATIONS AND MAINTENANCE ASSESSMENTS.

- i. Benefit Findings.** The provision of the services, facilities, and operations as described in **Exhibit A** confers a special and peculiar benefit to the lands within the District, which benefit exceeds or equals the cost of the assessments. The allocation of the

assessments to the specially benefitted lands is shown in **Exhibits A and B**, and is hereby found to be fair and reasonable.

- ii. **Assessment Imposition.** Pursuant to Chapters 190, 197 and/or 170, *Florida Statutes*, and using the procedures authorized by Florida law for the levy and collection of special assessments, a special assessment for operation and maintenance is hereby imposed and levied on benefitted lands within the District and in accordance with **Exhibits A and B**. The lien of the special assessments for operations and maintenance imposed and levied by this Resolution shall be effective upon passage of this Resolution.
- iii. **Maximum Rate.** Pursuant to Section 197.3632(4), *Florida Statutes*, the lien amount shall serve as the “maximum rate” authorized by law for operation and maintenance assessments.

- b. **DEBT SERVICE SPECIAL ASSESSMENTS.** The District’s Board hereby directs District Staff to effect the collection of the previously levied debt service special assessments, as set forth in **Exhibits A and B**.

2. **COLLECTION AND ENFORCEMENT; PENALTIES; INTEREST.**

- a. **Tax Roll Assessments.** If and to the extent indicated in **Exhibits A and B**, certain of the operations and maintenance special assessments (if any) and/or previously levied debt service special assessments (if any) imposed on the “**Tax Roll Property**” identified in **Exhibit B** shall be collected at the same time and in the same manner as County taxes in accordance with Chapter 197 of the *Florida Statutes*. The District’s Board finds and determines that such collection method is an efficient method of collection for the Tax Roll Property.
- b. **Direct Bill Assessments.** [RESERVED.]
- c. **Future Collection Methods.** 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.

3. **ASSESSMENT ROLL; AMENDMENTS.** The Assessment Roll, attached to this Resolution as **Exhibit “B,”** is hereby certified for collection. The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution, and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law, to the County property roll.

4. **SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

5. **EFFECTIVE DATE.** This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

PASSED AND ADOPTED this 28th day of August, 2025.

ATTEST:

**TAMARINDO COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

Exhibit A: Budget

Exhibit B: Assessment Roll

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

7

This instrument was prepared by:

**BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT,

Complainant,

v.

SFWMD No. 2025-____-CO-ERP

FORESTAR (USA) REAL ESTATE
GROUP, INC.,

Respondent.

_____/

CONSENT ORDER

This Consent Order is entered into between Complainant, South Florida Water Management District ("District"), and Respondent, Forestar (USA) Real Estate Group, Inc. ("Respondent"), by mutual consent, who agree as follows:

FINDINGS OF FACT

1. The District, a government entity created under Chapter 373, Florida Statutes, is a multipurpose water management district with its principal office located at 3301 Gun Club Road, West Palm Beach, Florida 33406.

2. Respondent is a person within the meaning of Section 373.019(15), Florida Statutes. Respondent's mailing address is 4042 Park Oaks Boulevard, Suite 200, Tampa, Florida 33610.

3. The following exhibits are attached and incorporated into this Consent Order:

Exhibit A – Location Map and Legal Description;

Exhibit B – Notice of Violation

Exhibit C – As-Built Certification & Request for Conversion to Operation Phase Form 62-330.310(1);

Exhibit D – Notice of Rights; and

Exhibit E – Notice of Consent Order.

4. Tamarindo Community Development District ("Tamarindo CDD") and Tamarindo Community Association, Inc. ("Tamarindo CA") own property with Parcel Identification Number 76364843144; located in Section 23, Township 50 South, Range 26 East; Collier County, Florida ("Property"). The Property and its legal description are depicted in Exhibit A.

5. The District has jurisdiction over the Respondent, the Property, any stormwater management system, wetlands, wetland impacts, all works, and maintenance activities conducted on the Property, as provided in Chapter 373, Florida Statutes.

6. On August 28, 2020, the District issued Environmental Resource Permit ("ERP") No. 11-103330-P ("Permit") to Waterman at Rockledge Naples, LLC authorizing

the construction and operation of a stormwater management (“SWM”) system for an 82.24-acre residential development within a 106.44-acre site known as Tamarindo.

7. General Condition No. 1 of the Permit requires all activities to be implemented in accordance with the plans, specifications, and performance criteria approved by the Permit.

8. Special Condition No. 17 of the Permit states that if any adverse water resource-related impacts result from the Project, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

9. On November 17, 2020, the Permit was transferred to Respondent.

10. On August 17, 2022, portions of the Property were transferred to Tamarindo CDD; however, the Permit has not yet been transferred to Tamarindo CDD as the operations and maintenance entity.¹

11. On April 17, 2023, portions of the Property were transferred to Tamarindo CA.²

12. On June 11, 2024, Invest 90L brought heavy rain to Southwest Florida.

13. On July 25, 2024, District staff received public inquiries stating that the Property was experiencing adverse flooding conditions.

¹ Tamarindo CDD is not yet a Permittee and accordingly is simply joining this Consent Order, as set forth below.

² Tamarindo CA is not yet a Permittee and accordingly is simply joining this Consent Order, as set forth below.

14. On August 2, 2024, District staff inspected the Property and observed flooded roadways and inlets due to high lake levels, Respondent pumping water offsite, and modifications to the permitted dimensions of the weir on Control Structure 1 (“CS-1”).

15. On August 5, 2024, Hurricane Debby made landfall in Florida.

16. On August 16, 2024, the District issued a Notice of Violation (“NOV”) to Respondent for the unauthorized offsite pumping and modifications to CS-1 in violation of General Condition No.1 of the Permit. The NOV also required Respondent to resolve the adverse flooding issues in accordance with Special Condition No. 17 of the Permit. The NOV is attached as Exhibit B.

17. On September 16, 2024, Respondent submitted ERP Application No. 240916-45732 (“ERP Modification”) requesting authorization to change the constructed SWM system in an attempt to ameliorate the adverse water resource-related impacts and eliminate the need to pump water offsite.

18. On October 8, 2024, and October 9, 2024, the District received additional public inquiries complaining about adverse flooding conditions, which the District confirmed during follow-up site inspections.

19. On October 8, 2024, Respondent ceased unauthorized pumping to ensure compliance with General Condition No. 1 of the Permit.

20. On October 9, 2024, Hurricane Milton landfall in Florida.

21. On October 11, 2024, the District issued an Emergency Field Authorization to the Respondent authorizing discharge into the Henderson Canal system.

22. On October 16, 2024, Respondent modified CS-1 to ensure compliance with General Condition No.1 of the Permit.

23. On October 18, 2024, Respondent ceased pumping water offsite in compliance with the Emergency Field Authorization.

24. On October 18, 2024, and December 6, 2024, District staff sent Requests for Additional Information (“RAIs”) to Respondent requesting additional information to be submitted to complete the ERP Modification.

25. Ultimately, Respondent and the District agreed to resolve the violations identified in the NOV in accordance with this Consent Order.

26. By entering into this Consent Order, Respondent provided the District with reasonable assurances of good faith and the District agrees not to initiate an enforcement action for the violations described above. Respondent agrees that all factual and legal claims providing the basis for this Consent Order, including all terms, provisions, and matters referred to in the Findings of Fact and Conclusions of Law, shall not be contested in any subsequent legal proceeding, which may be brought to enforce the terms of this Consent Order.

CONCLUSIONS OF LAW

27. As provided in Rule 62-330.020, Florida Administrative Code, and Sections 373.413 and 373.416, Florida Statutes, the District requires permits to construct, alter, operate, or maintain stormwater management systems or works including activities that impact wetlands. The activity must not harm the District’s water resources.

28. The District finds that Respondent violated Chapter 373, Florida Statutes, and its corresponding rules, by not modifying the Permit prior to pumping water offsite and modifying the CS-1, and by causing adverse water resource related impacts due to the SWM system not functioning as intended.

29. The District may initiate and maintain legal action to enforce its rules, permits, and orders, or to protect and preserve the state's water resources as provided in Section 373.129, Florida Statutes. The District may recover a civil penalty for each offense in an amount not to exceed \$15,000.00 per offense. Each additional day in which a violation occurs will constitute a separate offense. The District may further recover investigative costs, court costs, and reasonable attorney's fees.

THEREFORE, having reached resolution of this matter, it is ORDERED:

ORDER

30. Within 30 days of the effective date of this Consent Order, Respondent must pay the District a total of \$29,605.00 in civil penalties and costs for settlement of the violations identified in this Consent Order. This amount includes \$27,105.00 in civil penalties and \$2,500.00 for the District's costs and attorney's fees incurred during the investigation of this matter and for preparing and tracking this Consent Order. Payment shall be made by cashier's check or money order. The instrument must be made payable to the "South Florida Water Management District" and must be delivered via U.S. Mail or hand delivery at the following address: South Florida Water Management District, MSC9210, Environmental Resource Bureau, 3301 Gun Club Road, West Palm Beach,

Florida 33406. Respondent agrees that these amounts are reasonable and shall not contest them in any subsequent action regarding this Consent Order.

31. Respondent must submit a complete response to any RAIs within the timeframe identified in the RAI in order to deem the ERP Modification complete.

32. Within 270 days of the effective date of this Consent Order, Respondent must obtain an ERP modification to ensure that the SWM system continues to comply with Special Condition No. 17 of the Permit.

33. Within 270 days of issuance of the ERP Modification, Respondent must modify the SWM system as permitted in the ERP Modification.

34. Within 30 days of completing the required construction activities, Respondent must certify that the work was constructed in accordance with the ERP Modification by submitting an As-Built Certification & Request for Conversion to Operation Phase Form 62-330.310(1), which is attached as Exhibit C.

35. If the ERP Modification is not completed, withdrawn, or abandoned, or is denied by the District, Respondent shall submit a revised ERP application requesting authorization to modify the Permit within 30 days of final agency action on the ERP Modification ("Revised Application").

36. Respondent must submit a complete response to any RAI for the Revised Application within the timeframe identified in the RAI.

37. The Revised Application must be deemed complete, and Respondent must obtain an ERP modification within 270 days of submitting the Revised Application.

38. Within 270 days of issuance of the Revised Application, Respondent must modify the SWM system as permitted in the Revised Application.

39. Within 30 days of completing the required construction activities, Respondent must certify that the work was constructed in accordance with the Revised Application by submitting an As-Built Certification & Request for Conversion to Operation Phase Form 62-330.310(1).

40. Respondent agrees to pay the District stipulated penalties in the amount of \$100.00 per day per violation for each day Respondent fails to timely comply with any of the requirements of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of the District's written demand, Respondent must make payment of the stipulated penalties to the "South Florida Water Management District" by cashier's check or money order. The District may make demand for payment at any time after a failure to comply occurs. Nothing in this paragraph shall prevent the District from filing suit to specifically enforce any of the terms of this Consent Order. Any stipulated penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in Paragraph 30 of this Consent Order. If the District is required to file a lawsuit to recover stipulated penalties under this paragraph or to enforce this Consent Order, the provisions pertaining to stipulated penalties are waived and the District is not foreclosed from seeking civil penalties of up to \$15,000.00 per offense per day, costs, and attorney's fees for violations of this Consent Order.

GENERAL PROVISIONS

41. District representatives may enter the Property to verify compliance with this Consent Order. Respondent's failure to comply with this Consent Order shall constitute a violation of Chapter 373, Florida Statutes.

42. Should Respondent fail to meet the requirements set forth in this Consent Order, the District reserves the right to petition for judicial or administrative enforcement of its terms. In such event, Respondent shall not contest or deny any fact, legal conclusion, or any other matter or fact set forth in this Consent Order, including the Findings of Fact and Conclusions of Law, penalties, fees, and costs. In exchange for the District not initiating legal proceedings and by signing below, Respondent waives all rights set forth in the Notice of Rights, attached as Exhibit D.

43. If the District successfully petitions or sues for enforcement of this Consent Order, Respondent agrees to and must pay the District's attorneys' fees, including, but not limited to, the fair market value of in-house counsel fees as if performed by outside or private counsel, court costs, and any other damages.

44. The District expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes or the corresponding rules, or to alleviate an immediate serious danger to the public health, safety, or welfare. If Respondent's non-compliance with this Consent Order leads to the District bringing an enforcement action, Respondent consents to receive service of process by registered mail with no signature required, delivered to Respondent's address.

45. This Consent Order shall take effect after the Respondent's and the District's (collectively, "Parties") execution, and shall remain in full force and effect until its terms and conditions are completed to the District's satisfaction.

46. In addition, prior to any sale, transfer, conveyance or lease of the Property by Respondent, Respondent shall provide notification to the District of the sale, transfer, or conveyance of the Property within 30 days.

47. Tamarindo CDD, and Tamarindo CA, as the Property owners, consents to the District recording notice of this Consent Order in the Collier County official records utilizing Form 62-330.090(1), Florida Administrative Code, attached as Exhibit E. Subject to the terms of the Joinder by Tamarindo CDD and Tamarindo CA, the terms, conditions, covenants, and provisions of this Consent Order encumber the Property, run with the Property, and are binding upon and inure to the benefit of the Parties, their heirs, successors, and assigns, and all subsequent Property owners.

48. Entry of this Consent Order does not relieve Respondent of the need to comply with all applicable federal, state, and local laws, regulations, or ordinances, including District permitting requirements. This Consent Order does not give Respondent the authority to conduct any activities on the Property that are under the District's jurisdiction without first obtaining District authorization.

49. If any event causes delay, or reasonable likelihood of delay, in complying with the requirements or deadlines of this Consent Order, Respondent must prove that the delay was or will be caused by circumstances beyond Respondent's control. The failure of a contractor, subcontractor, materialman, or other agent who Respondent

delegates to meet contractually imposed deadlines shall not be considered a cause beyond the Respondent's control.

50. Upon an event causing delay, or upon becoming aware of a potential for delay, Respondent must notify the District verbally within 24 hours, or by the next working day. Within 7 days of verbal notification, Respondent must notify the District in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable to implement these measures. If the District agrees that the delay or anticipated delay has been or will be caused by circumstances beyond Respondent's reasonable control, the time for performance may be extended for a period equal to the agreed delay. Such agreement shall be set forth in writing and include all reasonable measures necessary to avoid or minimize delay. The Respondent's failure to comply with the notice requirements in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements or deadlines in this Consent Order.

51. In the event it is necessary for the District to initiate legal action regarding this Consent Order, such action may be initiated in the Fifteenth Judicial Circuit in Palm Beach County, Florida. The District also reserves the right to seek administrative enforcement by issuing an Administrative Complaint and Order for Corrective Action. If the District pursues administrative enforcement, any final hearing shall be located at the closest District facility to the subject Property, unless the District agrees otherwise.

DONE AND SO ORDERED in West Palm Beach, Palm Beach County, Florida, this _____ day of _____, 2025.

RESPONDENT – FORESTAR (USA) REAL ESTATE GROUP, INC.

BY: _____
Signature

DATE: _____

PRINT NAME: _____

TITLE: _____

WITNESSES:

Name: _____
Title: _____
Address: _____

Name: _____
Title: _____
Address: _____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ by _____.

Signature of Notary Public – State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced

Anthony Squitieri, Forestar (USA) Real Estate Group, Inc., a corporation, on behalf of the corporation

JOINDER BY TAMARINDO CDD

The Tamarindo Community Development District ("Tamarindo CDD"), as the owner of the SWM system and future operations and maintenance entity for the SWM system, hereby joins the Consent Order for purposes of authorizing the recording of the Consent Order against any portion of the Property owned by the Tamarindo CDD at the time of this Joinder. That said, the Respondent at its sole cost and expense shall be responsible for fulfilling the requirements of the Consent Order through the time of completion of the modification of the SWM system consistent with the ERP Modification, and acceptance of the modified SWM system by the South Florida Water Management District ("District"). Upon acceptance of the modified SWM system by the District, the Respondent at its sole cost and expense shall cause the SWM system to be transferred to operations and maintenance status, consistent with the District's rules and the Permit. Thereafter, the Tamarindo CDD shall assume responsibility for the SWM system on a going forward basis and as the operations and maintenance entity. Nothing herein shall make the Tamarindo CDD responsible for any of the obligations of Respondent required to be performed prior to the acceptance of the modification of the SWM system by the District, and the Tamarindo CDD's obligations under the Permit shall only begin when the Tamarindo CDD becomes the operations and maintenance entity for the SWM system.

TAMARINDO COMMUNITY DEVELOPMENT DISTRICT

By: _____
Name: _____
Title: _____

WITNESSES:

Name: _____
Title: _____
Address: _____

Name: _____
Title: _____
Address: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2025, by _____, as _____ of the, Florida, on its behalf. ☐ is personally known to me or ☐ produced _____ as identification.

Notary Public, State of Florida

JOINDER BY TAMARINDO CA

The Tamarindo Community Association, Inc. ("Tamarindo CA"), hereby joins the Consent Order for purposes of authorizing the recording of the Consent Order against any portion of the Property owned by the Tamarindo CA at the time of this Joinder. That said, the Respondent at its sole cost and expense shall be responsible for fulfilling the requirements of the Consent Order through the time of completion of the modification of the SWM system consistent with the ERP Modification, and acceptance of the modified SWM system by the South Florida Water Management District ("District"). Upon acceptance of the modified SWM system by the District, the Respondent at its sole cost and expense shall cause the SWM system to be transferred to operations and maintenance status, consistent with the District's rules and the Permit. Nothing herein shall make the Tamarindo CA responsible for any of the obligations of Respondent.

TAMARINDO COMMUNITY ASSOCIATION, Inc.

By: _____
Name: _____
Title: _____

WITNESSES:

Name: _____
Title: _____
Address: _____

Name: _____
Title: _____
Address: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2025, by _____, as _____ of the, Florida, on its behalf. [] is personally known to me or [] produced _____ as identification.

Notary Public, State of Florida

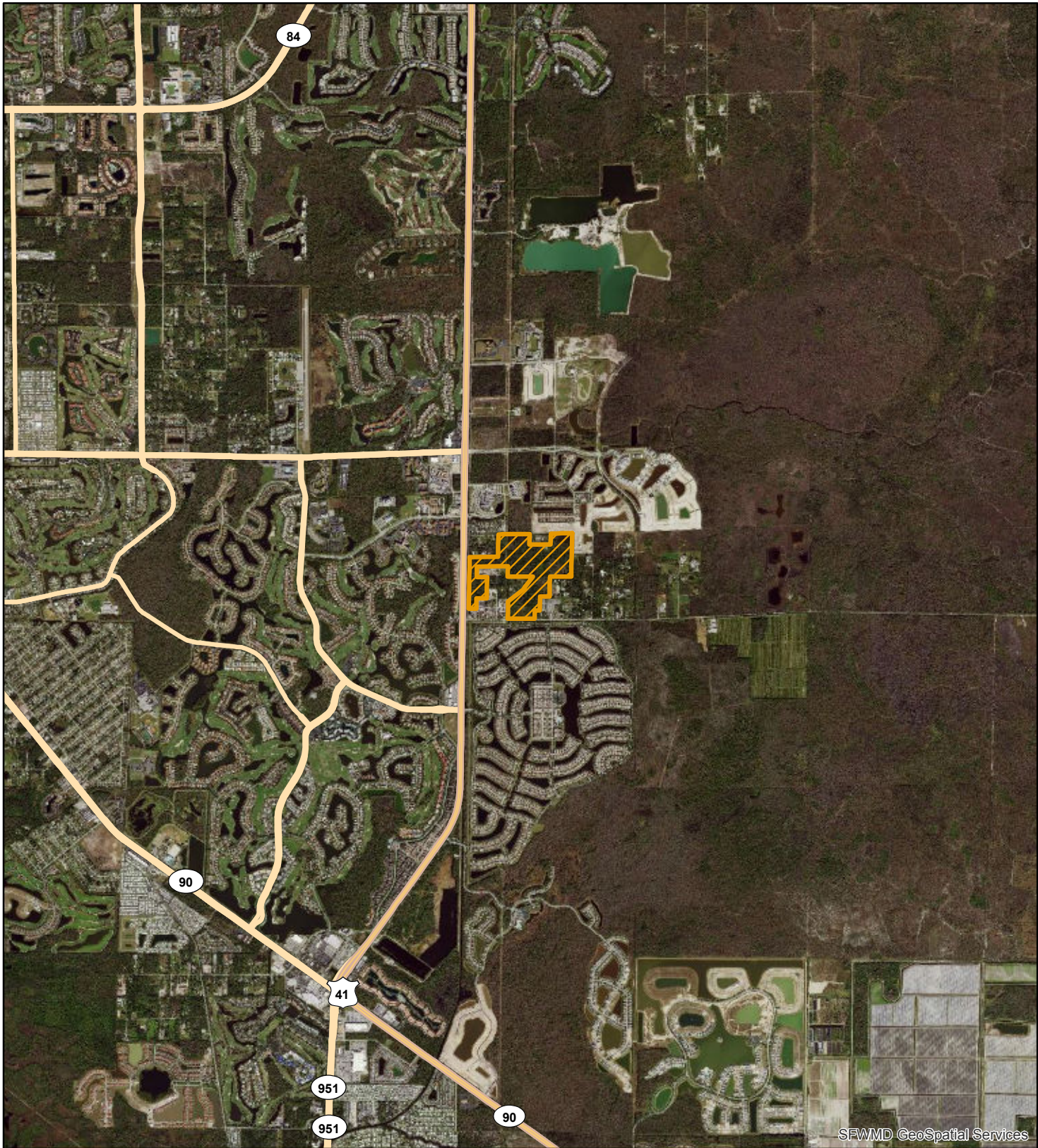


Exhibit A	Exhibit Created On: 2024-12-20	COLLIER COUNTY, FL	Site Location Sec 23 / Twp 50 / Rge 26 Enforcement No: 23422
REGULATION DIVISION Project Name: Tamarindo 03,8007,600 Feet N			

Prepared by and return to:

Thomas H. Gunderson

Attorney at Law

HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

1715 Monroe Street

Fort Myers, FL 33901

239-344-1100

File Number: **THG 15165-121**

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this **28th** day of **September, 2020** between **Watermen at Rockedge Naples, LLC, a Florida limited liability company** whose post office address is **265 Sevilla Avenue, Coral Gables, FL 33134**, grantor, and **Forestar (USA) Real Estate Group Inc., a Delaware corporation** whose post office address is **4042 Park Oaks Boulevard, Suite 200, Tampa, FL 33610**, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Collier County, Florida**, to-wit:

A PARCEL OF LAND LYING IN SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE N89°01'58"E FOR 664.25 FEET ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23 TO AN INTERSECTION WITH THE WEST LINE OF TRACT "F1" OF THE PLAT OF ESPLANADE AT HACIENDA LAKES AS RECORDED IN PLAT BOOK 55, PAGE 1, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE S01°14'38"W FOR 675.75 FEET ON SAID WEST LINE OF TRACT "F1" TO THE SOUTHWEST CORNER OF SAID TRACT "F1";

THENCE S01°14'14"W ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 23 FOR 675.73 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION;

THENCE S89°42'08"W ON THE SOUTH LINE OF SAID FRACTION FOR 662.30 FEET TO AN INTERSECTION WITH EAST LINE OF A PARCEL OF LAND AS RECORDED IN OFFICIAL RECORDS BOOK 4466, PAGE 3476, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCE ON THE EAST AND SOUTH LINES OF SAID PARCEL:

- 1. S01°09'56"W FOR 617.91 FEET;**
- 2. N89°34'54"W FOR 300.19 FEET;**
- 3. S01°09'09"W FOR 435.95 FEET;**
- 4. N89°34'09"W FOR 150.16 FEET;**

Parcel Identification Numbers: 00433040006, 00433120007, 00433160009, 00433480006, 00433800000, 00433880004, 00434840001, 00435400000, 00436360000, 00436440001, 00436520002, 00436600003, 00436760008, 00436800104, 00436800201, and 00436800308

Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

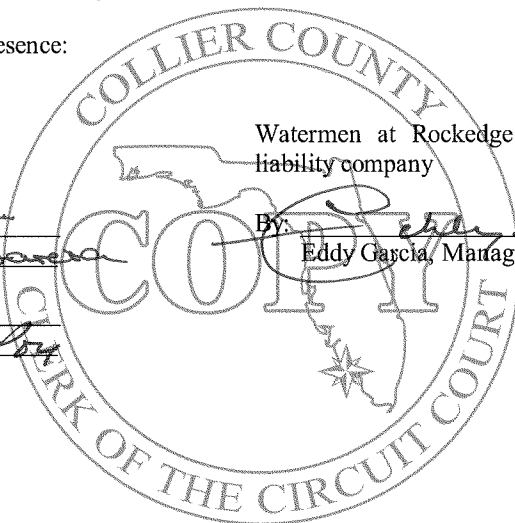
Signed, sealed and delivered in our presence:

Watermen at Rockledge Naples, LLC, a Florida limited liability company

By: Eddy Garcia, Manager

Witness Name: Maria D Garcia

Witness Name: Vivian

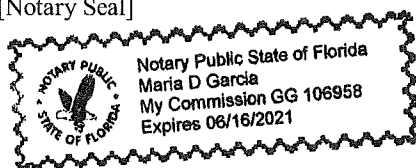


State of Florida

County of Miami-Dade

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of September, 2020 by Eddy Garcia, Manager of Watermen at Rockledge Naples, LLC, a Florida limited liability company, on behalf of said firm. He ☒ is personally known or ☐ has produced a _____ driver's license as identification.

[Notary Seal]



Maria D Garcia
Notary Public

Printed Name: Maria D Garcia

My Commission Expires: 6/16/2021

5. N89°38'05"W FOR 210.56 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E-1/2) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°05'19"E ON SAID WEST LINE FOR 43.72 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°48'02"W ON SAID NORTH LINE FOR 15.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF PARCEL 1 AS RECORDED IN OFFICIAL RECORDS BOOK 4970, PAGE 3362, SAID PUBLIC RECORDS;

THENCE THE FOLLOWING FOUR BEARINGS AND DISTANCES ON THE SOUTH, WEST AND NORTH LINES OF SAID PARCEL 1:

1. S01°05'19"W ON SAID EAST LINE FOR 303.80 FEET;
2. N89°37'28"W FOR 645.47 FEET;
3. N01°01'07"E FOR 302.01 FEET
4. S89°47'35"E FOR 30.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 4466, PAGE 3476, SAID PUBLIC RECORDS;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCES ON THE WEST LINE OF SAID PARCEL:

1. N01°01'01"E FOR 218.98 FEET;
2. N52°35'40"E FOR 646.23 FEET;
3. N40°29'08"W FOR 30.05 FEET;
4. N49°40'54"E FOR 22.10 FEET;
5. THENCE N36°22'15"E FOR 436.44 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S89°42'08"W ON SAID SOUTH LINE FOR 785.71 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°01'01"E FOR 332.01 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S89°32'04"W FOR 994.18 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S00°54'12"W FOR 329.09 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°42'08"E FOR 331.15 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S00°56'29"W FOR 660.13 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°57'42"W FOR 330.68 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S00°54'12"W FOR 329.09 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°47'35"W ON THE SOUTH LINE OF SAID FRACTION FOR 230.44 FEET TO AN INTERSECTION WITH A LINE 100 FEET EAST OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 23;

THENCE N00°51'53"E ON SAID PARALLEL LINE FOR 1642.03 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°22'01"E FOR 894.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N00°58'45"E FOR 662.08 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST (NE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°01'58"E FOR 996.40 FEET TO THE NORTHWEST CORNER OF THE EAST HALF (E-1/2) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S01°05'30"W ON THE WEST LINE OF SAID FRACTION FOR 328.19 FEET TO AN INTERSECTION WITH A LINE 328.19 FEET SOUTH OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE NORTH LINE OF SAID FRACTION;

THENCE N89°01'53"E ON SAID PARALLEL LINE FOR 663.85 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE EAST HALF (E-1/2) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°10'38"E ON SAID EAST LINE FOR 328.19 FEET TO THE POINT OF BEGINNING.

LESS THAT PART OF THE ABOVE DESCRIBED PROPERTY CONTAINED IN DEED RECORDED IN O.R. BOOK 321, PAGE 259, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST TO BEAR NORTH 89°01'58" EAST.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 16, 2024

Anthony Squitieri
Forestar (USA) Real Estate Group, Inc.
4042 Park Oaks Boulevard Suite 200
Tampa, FL 33610
CERTIFIED MAIL NO. 9589 0710 5270 0124 6677 97

Delivered via email

**Subject: Tamarindo
Notice of Violation for Environmental Resource Permit Noncompliance
Enforcement Case No. 23422
Environmental Resource Permit (ERP) No. 11-103330-P
Collier County**

Dear Mr. Squitieri:

As discussed with South Florida Water Management District (District) staff and James M. Ratz on August 9, 2024, this correspondence is to provide notification that the referenced project is in violation of Section 373.430(1)(b), Florida Statutes (FS), and Rule 62-330.350(2), Florida Administrative Code (FAC), as a result of noncompliance with the conditions of the above-referenced Environmental Resource Permit (ERP). The activities that are presently not in compliance with the ERP:

1. Unauthorized modifications to the control structure (CS-1) were observed during a site visit on August 2, 2024, in violation of General Condition No. 1 of the above referenced ERP. Please see attached Inspection Report for additional information.
2. Unauthorized pumping offsite was observed during a site visit on August 2, 2024 and during subsequent site visits, in violation of General Condition No. 1 of the referenced ERP. Please see attached Inspection Report for additional information.

In addition to the above comments, and in accordance with General Condition No. 17 of the above referenced permit, it appears the stormwater management (SWM) system for the project is not functioning as designed which is resulting adverse impacts to the community and surrounding development. Please provide a written response detailing proposed corrective actions to ensure the SWM system functions as designed and permitted. Please be aware a permit modification will be required for any proposed changes to the SWM system and the project certification will not be accepted until this is resolved. The response should also include a timeline for completing any proposed remedial actions.

As a result of these violations, the District will seek civil penalties, recovery of staff investigative costs and require remediation of the noncompliance issues. The specific terms for resolution of this violation will be forwarded to you after your response to this Notice. The District is authorized under Section 373.129, FS, to seek civil penalties and to recover costs such as staff investigative time and attorneys fees.

Please respond, in writing, within ten (10) days of receipt of this letter with your intentions regarding this matter.

If you have any questions or require additional assistance, please contact Curt Cammock at (239) 338-2929 x7763 or via email at ccammock@sfwmd.gov.

Sincerely,



Natalie Cole
Administrator, Environmental Resource Bureau

eEnclosures: Location Map ([23422_Exhibit1_0_LocMap_20201022.pdf](#))
Inspection Report ([23422_InspectionRpt_20240809.pdf](#))

c: James M. Ratz, Forestar USA Real Estate Group (E-Mail)
Christopher Wright, P.E., RWA, Inc (E-Mail)

This document is filed in the eEnforcement system under Enforcement Case Number 23422

As-Built Certification And Request for Conversion to Operation Phase

Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: _____ Application No: _____ Permittee: _____
Project Name: _____ Phase or Independent Portion (if applicable): _____

I HEREBY CERTIFY THAT (please check only one box):

- ☐ To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- ☐ Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- ☐ Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

For activities that require certification by a registered professional:

By: _____ (Print Name) (Fla. Lic. or Reg. No.)
Signature
(Company Name) (Company Address)
(Telephone Number) (Email Address)
AFFIX SEAL
(Date)

For activities that do not require certification by a registered professional:

By: _____ (Print Name)
Signature
(Company Name) (Company Address)
(Telephone Number) (Email Address) (Date)



Drawings and Information Checklist

Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
 - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
 - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours, or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
 - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions, and elevations of all, including clean-outs, pipes, connections to control structures, and points of discharge to receiving waters;
 - d. System grading - dimensions, elevations, contours, final grades, or cross-sections to determine contributing drainage areas, flow directions, and conveyance of runoff to the system discharge point(s);
 - e. Conveyance - dimensions, elevations, contours, final grades, or cross-sections of systems utilized to divert off-site runoff around or through the new system;
 - f. Benchmark(s) - location and description (minimum of one per major water control structure);
 - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted, and identification of source of material; also provide the dimensions, elevations, contours, and representative cross-sections depicting the construction.
5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.
6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.



**SOUTH FLORIDA WATER MANAGEMENT
DISTRICT
Notice of Consent Order**

Document Prepared By:

South Florida Water Management District

Return Recorded Document To:

Regulation Division

South Florida Water Management District

3301 Gun Club Road

West Palm Beach, FL 33406

MSC 2430

RE: Respondent: Forestar (USA) Real Estate Group, Inc.

Parcel: 76364843144

County: Collier

A Consent Order between Forestar (USA) Real Estate Group, Inc., and the South Florida Water Management District ("SFWMD") Regulation Division, District Order Number SFWMD .

Notice

The SFWMD hereby gives notice that a Consent Order has been entered into between Forestar (USA) Real Estate Group, Inc., ("Respondent") and the SFWMD pertaining to the real-property described on Exhibit 1, attached hereto and made a part hereof ("Property"). This Property is subject to the requirements and restrictions set forth in Chapter 373, Florida Statutes (FS), Title 40E, Florida Administrative Code (FAC), and the provisions of the Consent Order.

Within thirty (30) days of any transfer of interest or control of any portion of the property described in the attached Consent Order, the Respondent must notify the SFWMD in writing of the property transfer.

The Property identified in the Consent Order is subject to restoration plans or other requirements such as obtaining a permit. Purchasers are put on notice that such restoration plans or permit requirements exist. The purchasers are subject to compliance with all permitting and other requirements under Chapter 373, FS, Chapter 62.330, FAC, and Title 40E, FAC, for activities occurring on the Property.

Conflict Between Notice And Consent Order

This Notice of Consent Order may not include all of the information contained in the file of record. The entire Consent Order is available online at: www.sfwmd.gov/epermitting, select the Enforcement tab, then enter Cost Code: 23422 A paper copy can be obtained by contacting: **Curt Cammock – Engineering Specialist**, South Florida Water Management District, **2301 McGregor Boulevard, Fort Myers, FL 33901** or by phone at: **(239) 338-2929 ext. 7763**. Provisions in this Notice of Consent Order shall not be used in interpreting the Consent Order provisions. In the event of conflict between this Notice of Consent Order and the Order itself, the Consent Order shall control.

Release

This Notice may not be released or removed from the public records without the prior written consent of the South Florida Water Management District. The contact for this release is the Director of the Environmental Resource Bureau, 3301 Gun Club Road, West Palm Beach, FL 33406.

The terms, conditions, covenants, and provisions of the Consent Order encumber the real property described on Exhibit 1, attached hereto and incorporated herein ("Property"), shall run with the Property, and shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors, and assigns, and all subsequent owners of the Property.

This Notice is executed on this _____ day of _____, 20____.

South Florida Water Management District

District Clerk

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, as District Clerk of the South Florida Water Management District a public corporation, on behalf of the public corporation. He/She is personally known to me or has produced _____ as identification.

Notary Public

(seal)

Print

My Commission Expires: _____

Exhibit 1

(LEGAL DESCRIPTION)

Exhibit "A"
Legal Description

A PARCEL OF LAND LYING IN SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; THENCE N89°01'58"E FOR 664.25 FEET ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23 TO AN INTERSECTION WITH THE WEST LINE OF TRACT "F1" OF THE PLAT OF ESPLANADE AT HACIENDA LAKES AS RECORDED IN PLAT BOOK 55, PAGE 1, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE S01°14'38"W FOR 675.75 FEET ON SAID WEST LINE OF TRACT "F1" TO THE SOUTHWEST CORNER OF SAID TRACT "F1";

THENCE S01°14'14"W ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 23 FOR 675.73 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION;

THENCE S89°42'08"W ON THE SOUTH LINE OF SAID FRACTION FOR 662.30 FEET TO AN INTERSECTION WITH EAST LINE OF A PARCEL OF LAND AS RECORDED IN OFFICIAL RECORDS BOOK 4466, PAGE 3476, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCES ON THE EAST AND SOUTH LINES OF SAID PARCEL:

1. S01°09'56"W FOR 617.91 FEET;
2. N89°34'54"W FOR 300.19 FEET;
3. S01°09'09"W FOR 435.95 FEET;
4. N89°34'09"W FOR 150.16 FEET;
5. N89°38'05"W FOR 210.56 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E-1/2) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°05'19"E ON SAID WEST LINE FOR 43.72 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°48'02"W ON SAID NORTH LINE FOR 15.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF PARCEL 1 AS RECORDED IN OFFICIAL RECORDS BOOK 4970, PAGE 3362, SAID PUBLIC RECORDS;

THENCE THE FOLLOWING FOUR BEARINGS AND DISTANCES ON THE SOUTH, WEST AND NORTH LINES OF SAID PARCEL 1:

[CONTINUED ON FOLLOWING PAGE]

1. S01°05'19"W ON SAID EAST LINE FOR 303.80 FEET;
2. N89°37'28"W FOR 645.47 FEET;
3. N01°01'07"E FOR 302.01 FEET
4. S89°47'35"E FOR 30.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID PARCEL OF LAND RECORDED IN IN OFFICIAL RECORDS BOOK 4466, PAGE 3476, SAID PUBLIC RECORDS;

THENCE THE FOLLOWING FIVE BEARINGS AND DISTANCES ON THE WEST LINE OF SAID PARCEL:

1. N01°01'01"E FOR 218.98 FEET;
 2. N52°35'40"E FOR 646.23 FEET;
 3. N40°29'08"W FOR 30.05 FEET;
 4. N49°40'54"E FOR 22.10 FEET;
 5. THENCE N36°22'15"E FOR 436.44 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S89°42'08"W ON SAID SOUTH LINE FOR 785.71 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE N01°01'01"E FOR 332.01 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S89°32'04"W FOR 994.18 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S00°54'12"W FOR 329.09 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE N89°42'08"E FOR 331.15 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S00°56'29"W FOR 660.13 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE N89°57'42"W FOR 330.68 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;
- THENCE S00°54'12"W FOR 329.09 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

[CONTINUED ON FOLLOWING PAGE]

THENCE N89°47'35"W ON THE SOUTH LINE OF SAID FRACTION FOR 230.44 FEET TO AN INTERSECTION WITH A LINE 100 FEET EAST OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 23;

THENCE N00°51'53"E ON SAID PARALLEL LINE FOR 1642.03 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°22'01"E FOR 894.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N00°58'45"E FOR 662.08 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST (NE-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE NORTHWEST QUARTER (NW-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N89°01'58"E FOR 996.40 FEET TO THE NORTHWEST CORNER OF THE EAST HALF (E-1/2) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE S01°05'30"W ON THE WEST LINE OF SAID FRACTION FOR 328.19 FEET TO AN INTERSECTION WITH A LINE 328.19 FEET SOUTH OF (AS MEASURED ON A PERPENDICULAR) AND PARALLEL WITH THE NORTH LINE OF SAID FRACTION;

THENCE N89°01'53"E ON SAID PARALLEL LINE FOR 663.85 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE EAST HALF (E-1/4) OF THE NORTHEAST QUARTER (NE-1/4) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 23;

THENCE N01°10'38"E ON SAID EAST LINE FOR 328.19 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 106.44 ACRES, MORE OR LESS.

LESS THAT PART OF THE ABOVE DESCRIBED PROPERTY CONTAINED IN DEED RECORDED IN O.R. BOOK 321, PAGE 259, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 50 SOUTH, RANGE 26 EAST TO BEAR NORTH 89°01'58" EAST.

JOINDER BY TAMARINDO CDD

The Tamarindo Community Development District ("Tamarindo CDD"), as the owner of the SWM system and future operations and maintenance entity for the SWM system, hereby joins the Consent Order for purposes of authorizing the recording of the Consent Order against any portion of the Property owned by the Tamarindo CDD at the time of this Joinder. That said, the Respondent at its sole cost and expense shall be responsible for fulfilling the requirements of the Consent Order through the time of completion of the modification of the SWM system consistent with the ERP Modification, and acceptance of the modified SWM system by the South Florida Water Management District ("District"). Upon acceptance of the modified SWM system by the District, the Respondent at its sole cost and expense shall cause the SWM system to be transferred to operations and maintenance status, consistent with the District's rules and the Permit. Thereafter, the Tamarindo CDD shall assume responsibility for the SWM system on a going forward basis and as the operations and maintenance entity. Nothing herein shall make the Tamarindo CDD responsible for any of the obligations of Respondent required to be performed prior to the acceptance of the modification of the SWM system by the District, and the Tamarindo CDD's obligations under the Permit shall only begin when the Tamarindo CDD becomes the operations and maintenance entity for the SWM system.

TAMARINDO COMMUNITY DEVELOPMENT DISTRICT

By: [Signature]
Name: Christian Cotter
Title: Chair

WITNESSES:
[Signature]
Name: Brandy Kelley
Title: Land Development Admin
Address: 551 N Cattlemen Rd., Suite 304
Sarasota, FL 34232

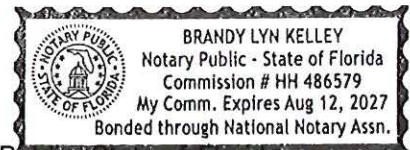
[Signature]
Name: Stacy Hunt
Title: Real Estate Analyst
Address: 551 N Cattlemen Rd., Suite 304
Sarasota, FL 34232

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17th day of April, 2025, by Christian Cotter, as Chair of the, Florida, on its behalf. ☒ is personally known to me or ☐ produced Tamarindo Community Development District as identification.

[Signature]

Notary Public, State of Florida



TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

8

TAMARINDO COMMUNITY DEVELOPMENT DISTRICT
Performance Measures/Standards & Annual Reporting Form
October 1, 2025 – September 30, 2026

1. COMMUNITY COMMUNICATION AND ENGAGEMENT

Goal 1.1 Public Meetings Compliance

Objective: Hold at least two (2) regular Board of Supervisor meetings per year to conduct CDD related business and discuss community needs.

Measurement: Number of public board meetings held annually as evidenced by meeting minutes and legal advertisements.

Standard: A minimum of two (2) regular board meetings was held during the fiscal year.

Achieved: Yes ☐ No ☐

Goal 1.2 Notice of Meetings Compliance

Objective: Provide public notice of each meeting at least seven days in advance, as specified in Section 190.007(1), using at least two communication methods.

Measurement: Timeliness and method of meeting notices as evidenced by posting to CDD website, publishing in local newspaper and via electronic communication.

Standard: 100% of meetings were advertised with 7 days' notice per statute on at least two mediums (i.e., newspaper, CDD website, electronic communications).

Achieved: Yes ☐ No ☐

Goal 1.3 Access to Records Compliance

Objective: Ensure that meeting minutes and other public records are readily available and easily accessible to the public by completing monthly CDD website checks.

Measurement: Monthly website reviews will be completed to ensure meeting minutes and other public records are up to date as evidenced by District Management's records.

Standard: 100% of monthly website checks were completed by District Management.

Achieved: Yes ☐ No ☐

2. **INFRASTRUCTURE AND FACILITIES MAINTENANCE**

Goal 2.1 District Infrastructure and Facilities Inspections

Objective: District Engineer will conduct an annual inspection of the District's infrastructure and related systems.

Measurement: A minimum of one (1) inspection completed per year as evidenced by district engineer's report related to district's infrastructure and related systems.

Standard: Minimum of one (1) inspection was completed in the Fiscal Year by the district's engineer.

Achieved: Yes ☐ No ☐

3. **FINANCIAL TRANSPARENCY AND ACCOUNTABILITY**

Goal 3.1 Annual Budget Preparation

Objective: Prepare and approve the annual proposed budget by June 15 and final budget was adopted by September 30 each year.

Measurement: Proposed budget was approved by the Board before June 15 and final budget was adopted by September 30 as evidenced by meeting minutes and budget documents listed on CDD website and/or within district records.

Standard: 100% of budget approval and adoption were completed by the statutory deadlines and posted to the CDD website.

Achieved: Yes ☐ No ☐

Goal 3.2 Financial Reports

Objective: Publish to the CDD website the most recent versions of the following documents: annual audit, current fiscal year budget with any amendments, and most recent financials within the latest agenda package.

Measurement: Annual audit, previous years' budgets, and financials are accessible to the public as evidenced by corresponding documents on the CDD website.

Standard: CDD website contains 100% of the following information: most recent annual audit, most recently adopted/amended fiscal year budget, and most recent agenda package with updated financials.

Achieved: Yes ☐ No ☐

Goal 3.3 Annual Financial Audit

Objective: Conduct an annual independent financial audit per statutory requirements and publish the results to the CDD website for public inspection and transmit said results to the State of Florida.

Measurement: Timeliness of audit completion and publication as evidenced by meeting minutes showing board approval and annual audit is available on the CDD website and transmitted to the State of Florida.

Standard: Audit was completed by an independent auditing firm per statutory requirements and results were posted to the CDD website and transmitted to the State of Florida.

Achieved: Yes ☐ No ☐

District Manager

Chair/Vice Chair, Board of Supervisors

Print Name

Print Name

Date

Date

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

9

Case Number: CESD20250006591
Date: June 02, 2025
Investigator: Adam Collier
Phone: 2398770794

**COLLIER COUNTY CODE ENFORCEMENT
NOTICE OF VIOLATION**

Owner: TAMARINDO CMTY DEVT DISTRICT % WRATHELL HUNT & ASSOC LLC
2300 GLADES RD #410W
BOCA RATON, FL 33431

Location: 426 Grace Bay LN, Naples; 308 Tamarindo LN, (Meter) , Naples; 518 Kamari CV, Naples; 364 Tamarindo LN, (Wall) , Naples; 230 Grace Bay LN, (Wall) , Naples; 246 Tamarindo LN, (Mail Kiosk) , Naples; 250 Tamarindo LN, (Clubhouse) , Naples; 230 Tamarindo LN, (Entry Feature) , Naples; 247 Tamarindo LN, Naples; 251 Tamarindo LN, Naples; 256 Tamarindo LN, Naples
Unincorporated Collier County

Zoning Dist: RPUD

Property Legal Description: 23 50 26 S1/2 OF N1/2 OF W1/2 OF NE1/4 OF SW1/4, S1/2 OF W1/2 OF NE1/4 OF SW1/4 15.00 AC OR 635 PG 1273

Folio: 76364843047, 76364843063, 76364843089, 76364843102, 76364843128, 76364843186, 76364843209, 76364843283, 76364843306, 76364843322, 76364843403, 76364843429, 76364843429, 76364843445, 76364843487, 76364843500, 76364844460, 436440001

NOTICE

Pursuant to Collier County Consolidated Code Enforcement Regulations, Collier County Code of Laws and Ordinances, Chapter 2, Article IX, you are notified that a violation(s) of the following Collier County Ordinance(s) and or PUD Regulation(s) exists at the above-described location.

Ordinance/Code: Buildings and Building Regulations, Property Maintenance Code, General Provisions. Collier County Code of Laws and Ordinances Chapter 22, Article VI, Section 22-228(1)

Responsibilities of Owners of Nonresidential Structure, Vacant Buildings, Vacant Structures, and Vacant or Unimproved Lots. Collier County Code of Laws and Ordinances, Chapter 22 Buildings and Building Regulations, Article VI Property Maintenance Code, Section 22-240(2)(c)

Responsibilities of Owners of Nonresidential Structure, Vacant Buildings, Vacant Structures, and Vacant or Unimproved Lots. Collier County Code of Laws and Ordinances, Chapter 22 Buildings and Building Regulations, Article VI Property Maintenance Code, Section 22-240(1)(d)

Permit Required. Collier County Code of Laws and Ordinances, Chapter 90 Natural Resources, Article II Water Resources Management, Division 2 Permits, Section 90-41(f)(8)

Submittal Requirements for Permits. Building or Land Alteration Permits. Improvement of property prohibited prior to issuance of building permit. Collier County Land Development Code 04-41 as amended, Section 10.02.06(B)(1)(e)

1. Maintenance.

Equipment systems, devices and safeguards required by this Code or a prior code under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of the fire protection, safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises:

All owners of nonresidential structures, vacant buildings, vacant structures and vacant or unimproved lots shall comply with the following requirements: 2. Structures and Unimproved Lots: c. Every owner of a building, structure or lot, previously improved or occupied, shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon, except for permitted storm water management detention/retention purposes.:

All owners of nonresidential structures, vacant buildings, vacant structures and vacant or unimproved lots shall comply with the following requirements: 1. Nonresidential Structures: d. All rainwater shall be so drained and conveyed from every roof, and the lot shall be graded and drained, as not to cause dampness in the walls, ceilings, floors or basement of a structure. :

(8) Raising elevation of single family residence lot subsequent to construction of the residence. Subsequent to the

construction of a single-family residence on the respective lot (parcel of land), it shall be a violation of this article to cause "additional surface water" to run onto any real property owned by another landowner by filling, grading or otherwise raising the elevation of the respective water source single family residence lot. This provision shall not apply to the extent that such filling, grading or other land elevating acts occur concurrently with the initial construction of the single-family residence. This provision shall not apply to the extent that such filling, grading or other land elevating acts are mandated by statute, ordinance, rule or regulation. In the context of this provision "additional surface water" shall be limited to surface water that exceeds the historic surface water flows from the respective single-family residence lot. If the historic surface water flows are exceeded because of such filling, grading or other actions, it shall be the responsibility of the owners of such water source lot to eliminate the flow of such additional surface water by construction of a depression, such as a swale, or by other appropriate measures. If such grading, filling or other lot elevating actions come to the attention of staff prior to their completion, staff may issue a stop work order if staff reasonably believes that such filling, grading, or other lot elevating acts are likely to cause a violation of this provision, in which event the landowner of the water source lot shall either provide evidence that completion of the planned elevation of the lot will not cause a violation of this provision, or shall be required to modify the planned lot elevating activities to eliminate the anticipated flow of additional surface water, by construction of a depression, such as a swale, or by some other appropriate measures. If the elevation of the lot is raised by such filling, grading or other lot elevating actions and it is proven that thereafter additional surface water flows off of the lot onto land owned by another landowner, it shall be a rebuttable presumption that such additional surface water run-off was caused by that elevation of the water source single-family residence lot. Anyone who claims to be "grandfathered" against application of this provision (by alleging that the respective grading, filling, or other lot elevating actions were completed prior to the effective date of this provision) shall have the burden of proving the allegation.: Improvement of property prohibited prior to issuance of building permit. No site work, removal of protected vegetation, grading, improvement of property or construction of any type may be commenced prior to the issuance of a building permit where the development proposed requires a building permit under this Land development Code or other applicable county regulations... :

Violation Status - Initial

DESCRIPTION OF CONDITIONS CONSTITUTING THE VIOLATION(S).

Did Witness: Un-maintained drainage system causing flooding within the community.

ORDER TO CORRECT VIOLATION(S):

You are directed by this Notice to take the following corrective action(s):

1. Must comply with all property maintenance requirements including but not limited to maintenance of buildings, structures and premises as identified in Collier County Code of Laws and Ordinances, Chapter 22, Article VI Property Maintenance.
2. Any and All surface water for the community must flow to county approved drainage system.
3. Any and All stormwater for the community must flow to county approved drainage system.

ON OR BEFORE: July 2nd 2025

Failure to correct violations may result in:

- 1) Mandatory notice to appear or issuance of a citation that may result in fines up to \$500 and costs of prosecution. OR
- 2) Code Enforcement Board review that may result in fines up to \$1000 per day per violation, as long as the violation remains, and costs of prosecution.

SERVED BY:

Adam Collier

Investigator Signature

Adam Collier

Case Number: CESD20250006591

INQUIRIES AND COMMENTS SHOULD BE
DIRECTED TO CODE ENFORCEMENT
2800 North Horseshoe Dr, Naples, FL 34104
Phone: 239 252-2440 FAX: 239 252-2343

Signature and Title of Recipient

Printed Name of Recipient

Date

***This violation may require additional compliance and approval from other departments which may be required under local, state and federal regulations, including, but not limited to: right-of-way permit, building permit, demolition of structure, Site Development Plan, Insubstantial Change to Site Development Plan, and Variances along with, payment of impact fees, and any new or outstanding fees required for approval.**

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

**UNAUDITED
FINANCIAL
STATEMENTS**

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JULY 31, 2025**

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
JULY 31, 2025**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 79,318	\$ -	\$ -	\$ 79,318
Investments				
Revenue	-	134,031	-	134,031
Reserve	-	144,841	-	144,841
Construction	-	-	17,899	17,899
Cost of issuance	-	2,608	-	2,608
Due from general fund	-	6,314	-	6,314
Total assets	<u>\$ 79,318</u>	<u>\$287,794</u>	<u>\$17,899</u>	<u>\$ 385,011</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Due to Landowner	\$ 33,272	\$ 5,102	-	\$ 38,374
Due to debt service fund	6,314	-	-	6,314
Landowner advance	6,000	-	-	6,000
Total liabilities	<u>45,586</u>	<u>5,102</u>	<u>-</u>	<u>50,688</u>
Fund balances:				
Restricted for:				
Debt service	-	282,692	-	282,692
Capital projects	-	-	17,899	17,899
Unassigned	33,732	-	-	33,732
Total fund balances	<u>33,732</u>	<u>282,692</u>	<u>17,899</u>	<u>334,323</u>
Total liabilities and fund balances	<u>\$ 79,318</u>	<u>\$287,794</u>	<u>\$17,899</u>	<u>\$ 385,011</u>

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED JULY 31, 2025**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: off-roll	\$ 5	\$ 79,621	\$ 79,259	100%
Total revenues	<u>5</u>	<u>79,621</u>	<u>79,259</u>	100%
EXPENDITURES				
Management/accounting/recording	3,167	31,667	38,000	83%
Legal	-	1,214	7,500	16%
Engineering	-	-	3,500	0%
Audit	-	4,300	6,000	72%
Arbitrage rebate calculation	750	750	750	100%
Dissemination agent	83	833	2,000	42%
Trustee	-	4,246	8,000	53%
Telephone	33	333	400	83%
Postage	-	89	750	12%
Printing & binding	63	625	750	83%
Legal advertising	-	1,018	1,000	102%
Annual special district fee	-	175	175	100%
Insurance	-	6,016	6,364	95%
Contingencies/bank charges	105	529	250	212%
Website				
Hosting & maintenance	-	705	705	100%
ADA compliance	-	-	210	0%
EMMA software service	-	1,000	-	N/A
Property appraiser and tax collector	-	2,866	2,905	99%
Total expenditures	<u>4,201</u>	<u>56,366</u>	<u>79,259</u>	71%
Excess/(deficiency) of revenues over/(under) expenditures	(4,196)	23,255	-	
Fund balances - beginning	37,928	10,477	8,410	
Fund balances - ending	<u>\$ 33,732</u>	<u>\$ 33,732</u>	<u>\$ 8,410</u>	

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2021
FOR THE PERIOD ENDED JULY 31, 2025**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Assessment levy: off-roll	\$ 17	\$ 302,016	\$ 300,641	100%
Interest	895	10,655	-	N/A
Total revenues	<u>912</u>	<u>312,671</u>	<u>300,641</u>	104%
EXPENDITURES				
Debt service				
Principal	-	115,000	115,000	100%
Interest	-	174,444	174,444	100%
Tax collector	-	6,035	10,961	55%
Total expenditures	<u>-</u>	<u>295,479</u>	<u>300,405</u>	98%
Excess/(deficiency) of revenues over/(under) expenditures	912	17,192	236	
OTHER FINANCING SOURCES/(USES)				
Transfer out	<u>(465)</u>	<u>(4,983)</u>	<u>-</u>	N/A
Total other financing sources/(uses)	<u>(465)</u>	<u>(4,983)</u>	<u>-</u>	N/A
Net change in fund balances	447	12,209	236	
Fund balances - beginning	<u>282,245</u>	<u>270,483</u>	<u>256,566</u>	
Fund balances - ending	<u><u>\$ 282,692</u></u>	<u><u>\$ 282,692</u></u>	<u><u>\$ 256,802</u></u>	

**TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2021
FOR THE PERIOD ENDED JULY 31, 2025**

	Current Month	Year To Date
REVENUES		
Bondholder contribution	\$ -	\$ 53
Interest	56	470
Total revenues	<u>56</u>	<u>523</u>
EXPENDITURES	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	56	523
OTHER FINANCING SOURCES/(USES)		
Transfer in	465	4,983
Total other financing sources/(uses)	<u>465</u>	<u>4,983</u>
Net change in fund balances	521	5,506
Fund balances - beginning	17,378	12,393
Fund balances - ending	<u><u>\$ 17,899</u></u>	<u><u>\$ 17,899</u></u>

TAMARINDO

COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

**MINUTES OF MEETING
TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Tamarindo Community Development District held a Regular Meeting on June 4, 2025 at 1:15 p.m., at the offices of RWA, Inc., 6610 Willow Park Drive, Suite #200, Naples, Florida 34109.

Present:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Charles Marsala	Assistant Secretary

Also present:

Chuck Adams	District Manager
Shane Willis	Wrathell, Hunt and Associates, LLC (WHA)
Jere Earlywine (via telephone)	District Counsel
Christopher Wright	District Engineer
Ben Steets (via telephone)	Grau & Associates
Lindsay Hernandez	Supervisor Appointee/Forestar

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:15 p.m.

Supervisors Cotter, Moulton and Marsala were present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Presentation of Audited Financial Report
for the Fiscal Year Ended September 30,
2024, Prepared by Grau & Associates**

Mr. Steets presented the Audited Financial Report for the Fiscal Year Ended September 30, 2024 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

A. Consideration of Resolution 2025-01, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, Resolution 2025-01, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2025-02, 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

Mr. Adams presented Resolution 2025-02. The Landowners' Election did not occur as no Landowners, Landowner Representatives, or Proxy Holders attended to cast votes.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, Resolution 2025-02, 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 2025-03, Declaring a Vacancy in Seat 1, Seat 2 and Seat 3 of the Board of Supervisors; and Providing an Effective Date

Mr. Adams presented Resolution 2025-03.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, Resolution 2025-03, Declaring a Vacancy in Seat 1, Seat 2 and Seat 3 of the Board of Supervisors; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired
Term of Seat 1; Term Expires November
202_**

This item was deferred.

- **Administration of Oath of Office (the following to be provided under separate cover)**
 - A. Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
 - B. Membership, Obligations and Responsibilities**
 - C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

SEVENTH ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired
Term of Seat 2; Term Expires November
202_**

Mr. Adams stated Supervisor Cotter will continue serving in Seat 2.

- **Administration of Oath of Office**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Cotter. Mr. Cotter is familiar with the items listed in the Sixth Order of Business.

EIGHTH ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired
Term of Seat 3; Term Expires November
202_**

Ms. Cotter nominated Lindsay Hernandez to fill Seat 3. No other nominations were made.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the appointment of Lindsay Hernandez to Seat 3 was approved.
--

• **Administration of Oath of Office**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Hernandez. She is familiar with the items listed in the Fifth Order of Business.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2025-04,
Electing and Removing Officers of the
District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2025-04. Ms. Moulton nominated the following:

Lindsay Hernandez	Chair
Mary Moulton	Vice Chair
Christian Cotter	Assistant Secretary
Charles Marsala	Assistant Secretary

No other nominations were made.

This Resolution removes the following from the Board:

Michael Bone	Assistant Secretary
--------------	---------------------

The following prior appointments by the Board remain unaffected by this Resolution:

Chesley E. Adams, Jr.	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeffrey Pinder	Assistant Treasurer

**On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor,
Resolution 2025-04, Electing, as nominated, and Removing Officers of the
District, and Providing for an Effective Date, was adopted.**

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2025-05,
Approving a Proposed Budget for Fiscal
Year 2025/2026 and Setting a Public
Hearing Thereon Pursuant to Florida Law;
Addressing Transmittal, Posting and
Publication Requirements; Addressing**

Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2025-05. He reviewed the proposed Fiscal Year 2026 budget, highlighting increases, decreases and adjustments, compared to the Fiscal Year 2025 budget, and explained the reasons for any changes. Assessments are proposed to remain flat year-over-year.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, Resolution 2025-05, Approving a Proposed Budget for Fiscal Year 2025/2026 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 28, 2025 at 1:15 p.m., at the offices of RWA, Inc., 6610 Willow Park Drive, Suite #200, Naples, Florida 34109; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2025-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2025/2026 and Providing for an Effective Date

Mr. Adams presented Resolution 2025-06.

The following changes were made to the Fiscal Year 2026 Meeting Schedule:

DATES: Delete November and December meetings.

On MOTION by Mr. Cotter and seconded by Ms. Hernandez, with all in favor, Resolution 2025-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2025/2026, as amended, and Providing for an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2025-07, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date

Mr. Adams presented Resolution 2025-07. This Agreement was previously approved and is being presented due to some updates to the Agreement.

On MOTION by Mr. Cotter and seconded by Ms. Hernandez, with all in favor, Resolution 2025-07, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2025

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2025.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of Minutes

A. August 22, 2024 Public Hearing and Regular Meeting

On MOTION by Mr. Cotter and seconded by Ms. Hernandez, with all in favor, the August 22, 2024 Public Hearing and Regular Meeting Minutes, as presented, were approved.

B. November 5, 2024 Landowners' Meeting

On MOTION by Mr. Cotter and seconded by Ms. Hernandez, with all in favor, the November 5, 2024 Landowners' Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: RWA Inc.

Mr. Wright discussed the surface water management company. All options as to what could be done to get rid of water on site were evaluated. One option was to increase the

allowable discharge to the 951 Canal but that option was rejected by Big Cypress Basin, options at adjacent properties was not viable and flooding a wetland area but that would impact people off site. He discussed the conditions and the impact from development north of the CDD and type of rock layers underground, which are creating a surplus of water. A Hydrogeologist and an Ecologist were engaged and, through the efforts of them and Staff, a potential solution was found related to a different wetland area is underhydrated. The options to transport the water to that wetland is to pump it there but that was not welcomed. Another option is to run a pipeline to a conservation area belonging to Hacienda, which seems to be acceptable to the property owner. The fourth attempt at the permitting process with the water management district is underway. In the interim, until the permit is received and work can commence, an emergency response plan is being formulated in anticipation of the rainy season.

He discussed the options.

C. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: June 26, 2025 at 1:00 PM**

- **QUORUM CHECK**

The next meeting will be held on June 26, 2025, unless cancelled.

SIXTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Cotter and seconded by Ms. Hernandez, with all in favor, the meeting adjourned at 1:34 p.m.
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

TAMARINDO
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS



Melissa R. Blazier Supervisor of Elections

April 16, 2025

Ms Daphne Gillyard
Tamarindo CDD
2300 Glades Rd Suite 410W
Boca Raton FL 30431

Dear Ms Gillyard

In compliance with 190.06 of the Florida Statutes, this letter is to inform you that the official records of the Collier County Supervisor of Election indicate 246 active registered voters residing in the Tamarindo CDD as of April 15, 2025

Should you have any question regarding election services for this district please feel free to contact our office.

Sincerely,

David B Carpenter
Qualifying Officer
(239) 252-8501
Dave.Carpenter@colliervotes.gov



TAMARINDO COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2024/2025 MEETING SCHEDULE		
LOCATION		
<i>Offices of RWA, Inc., 6610 Willow Park Dr., Ste. #200, Naples, Florida 34109</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 24, 2024 CANCELED	Regular Meeting	1:15 PM
November 5, 2024	Landowners' Meeting	1:15 PM
November 5, 2024 CANCELED	Regular Meeting	1:15 PM
January 23, 2025 CANCELED	Regular Meeting	1:15 PM
February 27, 2025 CANCELED	Regular Meeting	1:15 PM
March 27, 2025 CANCELED	Regular Meeting	1:15 PM
April 24, 2025 CANCELED	Regular Meeting	1:15 PM
May 22, 2025 <i>Rescheduled to June 4, 2025</i>	Regular Meeting <i>Presentation of FY2026 Proposed Budget</i>	1:15 PM
June 4, 2025	Regular Meeting <i>Presentation of FY2026 Proposed Budget</i>	1:15 PM
June 26, 2025 CANCELED	Regular Meeting	1:15 PM
July 24, 2025 CANCELED	Regular Meeting	1:15 PM
August 28, 2025	Public Hearing & Regular Meeting <i>Adoption of FY2026 Budget</i>	1:15 PM
September 25, 2025	Regular Meeting	1:15 PM