



**SOUTH BAY  
COMMUNITY DEVELOPMENT  
DISTRICT**

**HILLSBOROUGH COUNTY  
LANDOWNERS' MEETING &  
REGULAR BOARD MEETING  
NOVEMBER 11, 2022  
1:00 P.M.**

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

[www.sbaycdd.org](http://www.sbaycdd.org)  
561.630.4922 Telephone  
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**AGENDA**  
**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT**  
Sunset Grill & Beach Bar  
602 Bahia del Sol Drive  
Ruskin, Florida 33570  
**LANDOWNERS' MEETING**  
**November 11, 2022**  
**1:00 P.M.**

- A. Call to Order
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- C. Establish Quorum
- D. Consider Adoption of Election Procedures.....Page 2
- E. Election of Chair for Landowners Meeting
- F. Election of Secretary for Landowners Meeting
- G. Approval of Minutes
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- H. Election of Supervisors
  - 1. Determine Number of Voting Units Represented or Assigned by Proxy .....Page 8
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  - 5. Certification of the Results
- I. Landowners' Comments
- J. Adjourn





## **SPECIAL DISTRICT (CDD) ELECTION PROCEDURES**

### **1. Landowners' Meeting**

In accordance with the provisions of Chapter 190, Florida Statutes, it is required that an initial meeting of the Landowners of the District be held within ninety (90) days following the effective date of the rule or ordinance establishing the District and thereafter every two (2) years during the month of November for the purpose of electing Supervisors. The second election by landowners shall be held on the first Tuesday in November; thereafter, there shall be an election of supervisors every two (2) years in November on a date established by the Board of Supervisors. The assembled Landowners shall organize by electing a Chairperson, who shall preside over the meeting; and a Secretary shall also be elected for recording purposes.

### **2. Establishment of Quorum**

Any Landowner(s) present or voting by proxy shall constitute a quorum at the meeting of the Landowners.

### **3. Nomination of Candidates**

At the meeting, the Chairperson shall call for nominations from the floor for Candidates for the Board of Supervisors. When there are no further nominations, the Chairperson shall close the floor for nominations. The names of each Candidate and the spelling of their names shall be announced. Nominees need not be present to be nominated.

### **4. Voting**

Each Landowner shall be entitled to cast one (1) vote for each acre (or lot parcel), or any fraction thereof, of land owned by him or her in the District, for each open position on the Board. (For example, if there are three (3) positions open, an owner of one (1) acre or less (or one lot parcel) may cast one (1) vote for each of the three (3) positions. An owner of two (2) acres (or two lot parcels) may cast two (2) votes for each of the three (3) positions.) Each Landowner shall be entitled to vote either in person or by a representative present with a lawful written proxy.

### **5. Registration for Casting Ballots**

The registration process for the casting of ballots by Landowners or their representatives holding their proxies shall be as follows:

- a) At the Landowners' Meeting and prior to the commencement of the first casting of ballots for a Board of Supervisor position, each Landowner, or their representative if proxies are being submitted in lieu thereof, shall be directed to register their attendance and the total number of votes by acreage (or lot parcels) to which each claims to be entitled, with the elected Secretary of the meeting or the District's Manager.

- b) At such registration, each Landowner, or their representative with a lawful proxy, shall be provided a numbered ballot for the Board of Supervisor position(s) open for election. A District representative will mark on the ballot the number of votes that such Landowner, or their representative, is registered to cast for each Board of Supervisor position open for election.
- c) All Landowner proxies shall be collected at the time of registration and retained with the Official Records of the District for subsequent certification or verification, if required.

#### 6. Casting of Ballots

Registration and the issuance of ballots shall cease once the Chairperson calls for the commencement of the casting of ballots for the election of a Board of Supervisor(s) and thereafter no additional ballots shall be issued.

The Chairperson will declare that the Landowners, or their representatives, be requested to cast their ballots for the Board of Supervisor(s). Once the ballots have been cast, the Chairperson will call for a collection of the ballots.

#### 7. Counting of Ballots

Following the collection of ballots, the Secretary or District Manager shall be responsible for the tabulation of ballots in order to determine the total number of votes cast for each candidate that is seeking election.

At the second and subsequent landowner elections\*, the two (2) candidates receiving the highest number of votes will be declared by the Chairperson as elected to the Board of Supervisors for four-year terms. The candidate receiving the next highest number of votes will fill the remaining open position on the Board of Supervisors for a two-year term, as declared by the Chairperson.

\* At the final landowner election (*after the 6<sup>th</sup> or 10<sup>th</sup> year*), the candidate receiving the highest number of votes will be elected to the Board of Supervisors for a four-year term (two (2) supervisors are elected by General Election).

#### 8. Contesting of Election Results

Following the election and announcement of the votes, the Chairperson shall ask the Landowners present, or those representatives holding proxies for Landowners, whether they wish to contest the election results. If no contests are received, said election results shall thereupon be certified.

If there is a contest, the contest must be addressed to the Chairperson and thereupon the individual casting a ballot that is being contested will be required to provide proof of ownership of the acreage (or lot parcels) for which they voted at the election within five (5) business days of the Landowners' Meeting. The proof of ownership shall be submitted to the District Manager who will thereupon consult with the District's General Counsel and together they will review the material provided and will determine the legality of the contested ballot(s). Once the contests are resolved, the Chairperson shall reconvene the Landowners' Meeting and thereupon certify the election results.

9. Recessing of Annual Landowners' Meeting

In the event there is a contest of a ballot or of the election, the Landowners' Meeting shall be recessed to a future time, date and location, at which time the election findings on the contest shall be reported in accordance with the procedure above and the newly elected Supervisor(s) shall thereupon take their Oath of Office.

10. Miscellaneous Provisions

- a) Each Landowner shall only be entitled to vote in person or by means of a representative attending in person and holding a lawful written proxy in order to cast said Landowner's votes.
- b) Proxies will not require that proof of acreage (or lot parcel) ownership be attached. Rather, proof of ownership must be provided timely by the holder of the proxy, if the proxy is contested in accordance with the procedure above.

**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT  
LANDOWNERS' MEETING  
NOVEMBER 30, 2020**

**A. CALL TO ORDER**

District Manager Kathleen Meneely called the November 30, 2020, Landowners' Meeting of the South Bay Community Development District to order at 1:05 p.m. in the Conference Room of Harborside Suites located at 536 Bahia Beach Boulevard, Building B, First Floor, Ruskin, Florida 33570.

**B. PROOF OF PUBLICATION**

Proof of publication was presented that notice of the Landowners' Meeting had been published in *The Tampa Tribune* on November 8, 2020, and November 15, 2020, as legally required.

**C. ESTABLISH A QUORUM**

Present for the Landowners' Meeting were the following: W. Thomas Grimm and Robert McCarthy (via phone).

Staff present were: District Manager Kathleen Meneely of Special District Services, Inc.; and District Counsel Tom Cloud of Gray-Robinson, P.A. (via phone).

Also present were: Michael Brooks – Lennar Attorney, Gary Queen – Hooks Bar & Grill; Nancy Campbell – Harborside Suites; Scott Campbell – Southshore Hospitality; and the following District resident: Ian Brown.

**D. CONSIDER ADOPTION OF ELECTION PROCEDURES**

The Election procedures were presented for consideration.

Ms. Campbell **moved** approval, seconded by Mr. Brown adopting the Election Procedures and that **motion** passed unanimously.

**E. ELECTION OF CHAIR FOR LANDOWNERS' MEETING**

Ms. Campbell **nominated** Kathleen Meneely as Chair for the Landowners' Meeting, Mr. Queen seconded and with no other nominations forthcoming, the **motion** carried unanimously.

**F. ELECTION OF SECRETARY FOR LANDOWNERS' MEETING**

Ms. Campbell made a motion, seconded by Mr. Queen nominating Ms. Meneely as Secretary for the Landowners' Meeting and that **motion** carried unanimously.

**G. APPROVAL OF MINUTES**

**1. November 9, 2018, Landowners' Meeting**

Ms. Meneely then requested approval of the minutes of the November 9, 2018, Landowners' Meeting. Ms. Campbell **moved** approval, Mr. Queen seconded and that **motion** carried.

## **H. ELECTION OF SUPERVISORS**

### **1. Determine Number of Voting Units Represented or Assigned by Proxy**

Ms. Meneely announced the following votes assigned by proxy:

Harborside Suites to Nancy Bryant – 173 votes  
Lennar-Little Harbor LLC to Michael Brooks – 109 votes  
South Bay CDD Holdings to Scott Campbell– 101 Votes  
Little Harbor Holding (no representation) – 14 votes  
Little Harbor Development to Gary Queen – 13 votes

There was one individual landowner present and four large landowners represented by proxy.

### **2. Nomination of Candidates**

Ms. Meneely announced that the seats of Tom Grimm, Kelly Evans and Robert McCarthy were expiring and confirmed that each of them would like to remain in their seats. She asked if there were other nominations from the floor. There were no nominations from the floor. Ms. Meneely announced the names of the three candidates again and stated that the two top vote getters would receive four-year terms and the other would receive a two year term.

### **3. Casting of Ballots**

With that explanation, Ms. Meneely asked that the ballots be cast.

### **4. Ballot Tabulations**

Ms. Meneely tabulated the results and announced the following results:

Thomas Grimm received 398 votes for a 4-year term  
Kelly Evans received 395 votes for a 4-year term  
Robert McCarthy received 264 votes for a 2-year term

### **5. Certification of Results**

A **motion** was made by Ms. Campbell, seconded by Mr. Brown and passed unanimously certifying the results.

## **I. LANDOWNERS' COMMENTS**

There were no landowner comments.

## **J. ADJOURNMENT**

There being no further Landowners' Meeting business to address, a **motion** was made by Ms. Campbell, seconded by Mr. Queen and passed unanimously to adjourn the meeting at 1:15 p.m.



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Secretary/Assistant Secretary

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Chair/Vice-Chair

LANDOWNER PROXY  
SOUTH BAY  
COMMUNITY DEVELOPMENT DISTRICT  
LANDOWNERS' MEETING

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints \_\_\_\_\_ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the South Bay Community Development District to be held on November 11, 2022 at 1:00 p.m. in the Sunset Grill and Beach Bar 602 Bahia Del Sol Drive Ruskin, Florida 33570, and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner which the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing which may be considered at said meeting including, but not limited to the Board of Supervisors. Said Proxy Holder may vote in accordance with their discretion on all matters not known or determined at the time of solicitation of this proxy, which may be legally considered at said meeting.

This proxy is to continue in full force and effect from the hereof until the conclusion of the above noted landowners’ meeting and any adjournment or adjournments thereof but may be revoked at any time by written notice of such revocation presented at the annual meeting prior to the Proxy Holder exercising the voting rights conferred herein.

\_\_\_\_\_  
Printed Name of Legal Owner

\_\_\_\_\_  
Signature of Legal Owner

\_\_\_\_\_  
Date

**Parcel Description\***

**# of Acres**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\* Insert in the space above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. [If more space is needed, identification of Parcels owned may be incorporated by reference to an attachment hereto.]

Pursuant to section 190.006(2) (b), Florida Statutes (2022), a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto.

**TOTAL NUMBER OF AUTHORIZED VOTES: \_\_\_\_\_**

**Please note that each eligible acre of land or fraction thereof is entitled to only one vote, for example, a husband and wife are together entitled to only one vote per their residence if it is located on one acre or less of real property.**

**If the Legal Owner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto. (e.g. bylaws, corporate resolution, etc.)**

**BALLOT**

<b>BALLOT # _____</b>
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**SOUTH BAY  
COMMUNITY DEVELOPMENT DISTRICT  
LANDOWNERS' MEETING**

**ELECTION OF BOARD SUPERVISORS**

**NOVEMBER 11, 2022**

The undersigned certifies that he/she is the owner (\_\_\_) or duly authorized **representative of lawful proxy of an owner** (\_\_\_) of land in the **South Bay Community Development District**, constituting \_\_\_\_\_ acre(s) and hereby casts up to the corresponding number of his/her vote(s) for the following candidate/candidates to hold the above-named open position:

**Name of Candidate**

**Number of Votes**

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Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Street Address or Tax Parcel Id Number for your Real Property:

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**AGENDA**  
**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT**  
 Sunset Grill & Beach Bar  
 602 Bahia del Sol Drive  
 Ruskin, Florida 33570  
**REGULAR BOARD MEETING**  
**November 11, 2022**  
**1:00 P.M.**

- A. Call to Order
- B. Proof of Publication.....Page 11
- C. Seat New Board Members
- D. Administer Oath of Office & Review Board Member Responsibilities and Duties
- E. Establish Quorum
- F. Election of Officers
  - Chairman
  - Vice Chairman
  - Secretary/Treasurer
  - Assistant Secretaries
- G. Additions or Deletions to Agenda
- H. Approval of Minutes
  - 1. October 14, 2022 Regular Board Meeting.....Page 12
- I. Old Business
- J. New Business
  - 1. Consider Resolution 2022-06 – Adopting a Fiscal Year 2021/2022 Amended Budget.....Page 17
  - 2. Consider Approval of Amendment to Settlement Agreement with Harborside Suites.....Page 24
- K. Reports
  - 1. Manager’s Report
    - a. Financial Report.....Page 25
  - 2. Legal Report
    - a. Memo to South Bay Board of Directors.....Page 30
  - 3. Engineer’s Report
    - a. Seawall Inspection Reporting.....Page 34
  - 4. Chairman’s Report
  - 5. POA Report
- L. Administrative Matters
- M. Comments by the Public for Matters not on the Agenda
- N. Board Members Comments
- O. Adjourn



**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
OCTOBER 14, 2022**

**A. CALL TO ORDER**

The October 14, 2022, Regular Board Meeting of the South Bay Community Development District (the “District”) was called to order at 1:00 p.m. at the Sunset Grill and Beach Bar located at 602 Bahia del Sol Drive, Ruskin, Florida 33570.

**B. PROOF OF PUBLICATION**

Proof of publication was presented that indicated Notice of the Regular Board Meeting had been published in the *Tampa Bay Times* on September 28, 2022, as part of the District’s Fiscal Year 2022/2023 Meeting Schedule, as legally required.

**C. ESTABLISH A QUORUM**

It was determined that the following Supervisors constituted a quorum and was in order for the meeting to commence:

Chairman	Brett Vogeler	Present
Vice Chairman	Leah Popelka	Present
Supervisor	Kelly Evans	Present via phone
Supervisor	W. Thomas Grimm	Present
Supervisor	Mary Madden	Absent

The following staff were in attendance:

District Manager	William Crosley	Special District Services, Inc.
	Michelle Krizen	Special District Services, Inc.
General Counsel	Christopher Berg	GrayRobinson, P.A.
District Engineer	Rick Brylanski	Hole Montes, Inc.

Also present were John & Theresa Aldrich, Glenn Patton, Michele Davis, Ian Brown, John McEneaney, Calvin Anglewicz, John Calves, Michael Margolis and Rick Soran.

**D. ADDITIONS OR DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

**E. APPROVAL OF MINUTES**

**1. September 9, 2022, Regular Board Meeting**

The September 9, 2022, Regular Board Meeting minutes were presented for consideration.

A **motion** was made by Ms. Popelka, seconded by Mr. Vogeler and passed unanimously approving the minutes of the September 9, 2022, Regular Board Meeting, as presented.

## **F. OLD BUSINESS**

### **1. Discussion Regarding Paid Parking Rate Study**

Mr. Vogeler went over the parking rate study provided by Pave Mobility, which reflects rates ranging from \$3-\$5 per hour that are currently being charged in beach parking areas such as Clearwater, Sarasota, Madeira, St Pete, and Ft. Myers. The recommended rates for the District were Monday thru Thursday \$3 per hour with an \$18 maximum; Friday thru Sunday \$5 per hour with a \$25 maximum; special events \$10-\$30 flat rate; and a restaurant validation of 2 hours free for verified restaurant customers.

Mr. Berg advised that in order to adopt parking rates, a rulemaking procedure with proper legal advertisement of a public hearing would be required. At that public hearing the rates can be established. The next step would be for the Board to consider any legal special exemptions for paid parking and establish procedures. Ms. Popelka stated that District residents pay annual operations and maintenance assessments and a portion of those assessments are associated with the parking lots where paid parking would exist. In the event special exemptions for paid parking were to be considered for approval by the Board, a legal argument would need to be established that the District is fairly treating the general public who would be required to pay for parking. Paid parking exemptions are to be discussed in detail after the public hearing and rates have been approved.

A **motion** was made by Ms. Popelka, seconded by Mr. Grimm setting parking rates as follows: Monday thru Thursday at \$3 per hour with a \$18 maximum; Friday thru Sunday at \$5 per hour with a \$25 maximum, including holidays; special events at a \$10-\$30 flat rate.; and restaurant validation of 3 hours free for verified restaurant customers; setting the public hearing to consider paid parking rates for December 9, 2022. That **motion** carried 4 to 0.

## **G. NEW BUSINESS**

There were no New Business items to come before the Board.

## **H. REPORTS**

### **1. Manager's Report**

#### **a. Financial Report**

Mr. Crosley presented the Financial Report. There were no questions from the Board Members.

### **2. Legal Report**

#### **a. Memo to South Bay Board of Directors**

Mr. Berg provided a memo of suggested items that need to be addressed by the Board prior to turnover of control of the District to the residents. The memo was included in the meeting book. Mr. Berg advised the Board that they need to set specific time periods for public participation to occur so members of the public have an opportunity to be heard regarding the items listed in the memo, as this is a due process issue. Mr. Grimm stated for the record that he found the same memo with January 1, 2022, and October 3, 2022, dates and that the Board repeatedly had asked that the POA and HOAs within the District

provide comments on the memo. The memo had previously been posted on the District website for several months, but there has been no input thus far.

Mr. Grimm requested that the Board place the topic Amendment to Settlement Agreement with Harborside Suites on the agenda. His client, Harborside Suites, is looking to sell and would like to see this issue resolved.

**b. Consider Resolution No. 2022-05 – Authorizing Debt Special Assessments to be Prepaid**

Resolution No. 2022-05 was presented, entitled:

**RESOLUTION 2022-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DEBT SPECIAL ASSESSMENTS TO BE PREPAID BY THE SURRENDER OF BONDS SECURED BY SUCH DEBT SPECIAL ASSESSMENTS; PROVIDING FOR ADDITIONAL PROCEDURES FOR PREPAYMENTS IN KIND; PROVIDING FOR GENERAL AUTHORIZATION; AUTHORIZING THE ISSUANCE OF APPROPRIATE NOTICES AND THE RECORDING OF A LIEN RELEASE; AND ADDRESSING SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

Mr. Vogeler confirmed that District Counsel had reviewed and was recommending approval of the resolution.

A **motion** was made by Ms. Popelka, seconded by Mr. Grimm and passed unanimously adopting Resolution No. 2022-05, as presented.

**3. Engineer's Report**

Mr. Brylanski reported that he had received communication that the seawall at Antigua Cove Marina had experienced damage from Hurricane Ian. Jack Adams from Reuben Clarson Consulting, Inc. was contacted to inspect the seawall and to provide a report which will be provided to the Board, once available.

Mr. Brylanski also reported that the Board previously approved a scope of road work at the September meeting to be performed by Proway Services in the amount of \$30,710. At that meeting the Board requested additional road work to be included with the approved scope. The additional work in the amount of \$20, 330 includes a speed bump with signage, additional paving and associated striping.

A motion was made by Mr. Grimm, seconded by Ms. Popelka and passed unanimously approving an additional amount of \$20,330 to the previously approved amount of \$30,710, for a total of \$51,040 to Proway, so that all the work can be completed together.

**4. Chairman's Report**

There was no Chairman's Report at this time.



## 5. POA Report

POA Manager Christine Trimmer reported that the Little Harbor Property Owners Association (POA) had engaged with a new security company as of October 10, 2022. The name of the new company is Allied Universal. The POA has also purchased a new low speed vehicle that will be used by Allied Universal to help create better visibility. The POA is also installing new amenities such as courts for shuffleboard and bocce, which should be completed soon. The POA is responsible for approving signage that will be placed on District property. A written request, site plan showing the location and a picture or rendition of the proposed sign will be required for review by the POA Architectural Committee. Uniformity of signage and architectural standards will be determined by the POA. An application for signage will be created by the POA with specific terms and conditions. Any entity that has a sign placed on District property is required to provide the District with a certificate of insurance, naming the District, its Supervisors, Staff and Consultants as additional insured. Larger towing signs may replace the current smaller signs that are currently located in the District.

The proposed additional lighting along a portion of Sea Grape Drive was discussed. The area where new lights have been requested was inspected at night by the POA. It was determined that trimming of the trees around the existing three lights would not resolve the reported lack of lighting along that area. This matter will require further communication from District Counsel to the Board and POA regarding specific language in the proposed Tampa Electric Company's agreement.

### I. ADMINISTRATIVE MATTERS

Mr. Crosley announced that the next Regular Board Meeting would include a Landowners' Meeting and was scheduled for Friday, November 11, 2022. At the Landowners' Meeting there will an election for the seats expiring for Supervisors Vogeler, Popelka and Madden. There was an explanation of the election process. The amended budget will also be considered at that meeting.

### J. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

John Calves asked about repairs to the pavers near the gatehouse entrance and the structural integrity of the entrance bridge. The District Board previously approved that the POA could proceed with temporary repairs at the entrance, but to date, they have not been completed. The entire area of pavers near the entrance will need a more permanent solution, but that will not occur until construction by Lennar is near completion in Antigua Cove. The entrance bridge was inspected by the District Engineer and it was determined that it was not a bridge, but rather a "box culvert" and was deemed structurally sound.

### K. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

### L. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Grimm, seconded by Ms. Popelka adjourning the Regular Board Meeting at 2:45 p.m. That **motion** passed unanimously.

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Secretary/Assistant Secretary

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Chair/Vice-Chair

**RESOLUTION NO. 2022-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2021/2022 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the South Bay Community Development District (“District”) is empowered to provide a funding source and to impose special assessments upon the properties within the District; and,

**WHEREAS**, the District has prepared for consideration and approval an Amended Budget.

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

**Section 1.** The Amended Budget for Fiscal Year 2021/2022 attached hereto as Exhibit “A” is hereby approved and adopted.

**Section 2.** The Secretary/Assistant Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

**PASSED, ADOPTED and EFFECTIVE** this 11<sup>th</sup> day of November, 2022.

**ATTEST:**

**SOUTH BAY  
COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson

South Bay  
Community Development District

**Amended Final Budget For  
Fiscal Year 2021/2022  
October 1, 2021 - September 30, 2022**

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- IV     **AMENDED FINAL DEBT SERVICE FUND BUDGET (2015A2 & B2**

**AMENDED FINAL BUDGET**  
**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT**  
**OPERATING FUND**  
**FISCAL YEAR 2021/2022**  
**OCTOBER 1, 2021 - SEPTEMBER 30, 2022**

	FISCAL YEAR 2021/2022 BUDGET 10/1/21 - 9/30/22	AMENDED FINAL BUDGET 10/1/21 - 9/30/22	YEAR TO DATE ACTUAL 10/1/21 - 9/29/22
<b>REVENUES</b>			
Administrative Assessments (On-Roll)	74,855	74,843	74,843
Administrative Assessments (Off-Roll)	152,137	152,137	152,137
Maintenance Assessments (On-Roll)	120,841	120,933	120,933
Maintenance Assessments (Off-Roll)	245,607	245,607	245,607
Debt Assessments - A1 (On-Roll)	649,473	649,912	649,912
Debt Assessments - A1 (Off-Roll)	209,670	188,696	188,696
Other Income	0	8,000	8,000
Other Revenue - Riverton Sale	0	464,164	464,164
Interest Income	420	728	728
<b>TOTAL REVENUES</b>	<b>\$ 1,453,003</b>	<b>\$ 1,905,020</b>	<b>\$ 1,905,020</b>
<b>EXPENDITURES</b>			
<b>ADMINISTRATIVE EXPENDITURES</b>			
Supervisor Fees	10,000	5,200	5,200
Payroll Taxes (Employer)	800	398	398
Engineering	15,000	35,000	28,538
Engineering - Roadways	0	10,000	7,733
Surveying	1,000	0	0
Management	35,208	35,208	35,208
Legal	70,000	49,615	49,615
Legal - Extraordinary/Litigation	40,000	14,670	14,670
Assessment Roll	6,000	6,000	6,000
Audit Fees	7,000	7,000	7,000
Arbitrage Rebate Fee	1,950	1,950	1,950
Travel Per Diam	1,250	400	278
Insurance	9,000	10,725	10,725
Legal Advertising	3,200	4,700	3,637
Miscellaneous	2,500	3,000	2,660
Postage	750	650	611
Office Supplies	1,500	1,300	1,148
Dues & Subscriptions	175	175	175
Website Management	2,000	2,000	2,000
Trustee Fees	9,000	9,000	0
Continuing Disclosure Fee	5,000	5,000	5,000
Property Taxes	390	389	389
Methodology Report	0	5,000	5,000
Document Storage	1,200	319	319
<b>TOTAL ADMINISTRATIVE EXPENDITURES</b>	<b>\$ 222,923</b>	<b>\$ 207,699</b>	<b>\$ 188,254</b>
<b>MAINTENANCE EXPENDITURES</b>			
POA Maintenance	240,000	240,000	240,000
Seawall Repairs	39,000	42,500	42,500
Sod	38,000	30,755	30,755
Repayment Of Electrical Services	3,443	3,443	0
Miscellaneous Maintenance	5,000	5,000	0
Roadway Maintenance	0	245,000	240,645
Parking Lot Rehabilitation	33,750	40,000	35,448
<b>TOTAL MAINTENANCE EXPENDITURES</b>	<b>\$ 359,193</b>	<b>\$ 606,698</b>	<b>\$ 589,348</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 582,116</b>	<b>\$ 814,397</b>	<b>\$ 777,602</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 870,887</b>	<b>\$ 1,090,623</b>	<b>\$ 1,127,418</b>
Bond Payments (A-1 Bond)	820,174)	802,372)	802,372)
<b>BALANCE</b>	<b>\$ 50,713</b>	<b>\$ 288,251</b>	<b>\$ 325,046</b>
Tax Collector Fees	16,905)	16,297)	16,297)
Discounts For Early Payments	33,808)	30,855)	30,855)
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ 241,099</b>	<b>\$ 277,894</b>
Carryover From Prior Year	0	0	0
<b>NET EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ 241,099</b>	<b>\$ 277,894</b>

FUND BALANCE AS OF 9/30/21	
FY 2021/2022 ACTIVITY	
FUND BALANCE AS OF 9/30/22	
LESS RESERVES AS OF 9/30/22	
NET FUND BALANCE AS OF 9/30/22	

\$199,397
\$241,099
\$440,496
\$336,493
\$104,003

**AMENDED FINAL BUDGET**  
**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT**  
**DEBT SERVICE FUND (SERIES 2005)**  
**FISCAL YEAR 2021/2022**  
**OCTOBER 1, 2021 - SEPTEMBER 30, 2022**

	FISCAL YEAR 2021/2022 BUDGET 10/1/21 - 9/30/22	AMENDED FINAL BUDGET 10/1/21 - 9/30/22	YEAR TO DATE ACTUAL 10/1/21 - 9/29/22
<b>REVENUES</b>			
Interest Income (2005A)	0	7	7
<b>Total Revenues</b>	<b>\$ -</b>	<b>\$ 7</b>	<b>\$ 7</b>
<b>EXPENDITURES</b>			
Principal Payments (2005A)	0	0	0
Interest Payments (2005A)	0	0	0
Trustee Fees (2005)	0	0	0
<b>Total Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Excess/ (Shortfall)</b>	<b>\$ -</b>	<b>\$ 7</b>	<b>\$ 7</b>

Note: Series 2005 Bonds Outstanding After March 2015 Bond Restructuring: \$6,755,000

In March 2015, Series 2005 Bonds Totaling \$55,180,000 were converted into

Series 2005 Bonds (\$6,755,000) and Series 2015 Bonds (\$34,495,000).

FUND BALANCE AS OF 9/30/21	\$8,765
FY 2021/2022 ACTIVITY	\$7
FUND BALANCE AS OF 9/30/22	\$8,772

Note\*: Revenue Account Balance = 8,772\*.  
Approximate Amount

**AMENDED FINAL BUDGET**  
**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT**  
**DEBT SERVICE FUND (SERIES 2015A1 & B1)**  
**FISCAL YEAR 2021/2022**  
**OCTOBER 1, 2021 - SEPTEMBER 30, 2022**

	FISCAL YEAR 2021/2022 BUDGET 10/1/21 - 9/30/22	AMENDED FINAL BUDGET 10/1/21 - 9/30/22	YEAR TO DATE ACTUAL 10/1/21 - 9/29/22
<b>REVENUES</b>			
Interest Income (2015A-1 & 2015B-1)	100	629	629
Debt Assessments (2015A-1)	820,174	802,372	802,372
Prepaid Bond Collection (2015A-1)	0	207,424	207,424
<b>Total Revenues</b>	<b>\$ 820,274</b>	<b>\$ 1,010,425</b>	<b>\$ 1,010,425</b>
<b>EXPENDITURES</b>			
Principal Payments (2015A-1)	345,000	345,000	345,000
Principal Payments (2015B-1)	0	6,710,000	6,710,000
Interest Payments (2015A-1)	472,281	482,545	482,545
Interest Payments (2015B-1)	0	171,944	171,944
Bond Redemption (2015A-1)	2,993	205,000	205,000
<b>Total Expenditures</b>	<b>\$ 820,274</b>	<b>\$ 7,914,489</b>	<b>\$ 7,914,489</b>
<b>Excess/ (Shortfall)</b>	<b>\$ -</b>	<b>\$ 6,904,064</b>	<b>\$ 6,904,064</b>

FUND BALANCE AS OF 9/30/21	\$7,663,622
FY 2021/2022 ACTIVITY	(\$6,904,064)
FUND BALANCE AS OF 9/30/22	\$759,558

Note: Reserve (2015A-1) Account Balance = \$411,126,\*.

Revenue Account Balance = \$343,545\*.

Prepayment (2015A-1) Balance = \$4,887\*.

Revenue Account Balance To Be Used To Make 11/1/2021 A-1 Interest Payment Of \$224,910.

Approximate Amounts

**Series 2015A-1 Bond Information**

Original Par Amount =	\$9,970,000	Annual Principal Payments Due =	May 1st
Interest Rate =	5.95%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	March 2015		
Maturity Date =	May 2036		
Par Amount As Of 9/30/22 =	\$7,560,000		

**Series 2015B-1 Bond Information**

Original Par Amount =	\$9,070,000	Annual Principal Payments Due =	May 1st
Interest Rate =	5.125%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	March 2015		
Maturity Date =	May 2023		
Par Amount As Of 9/30/22 =	\$0		

**Principal Balance Paid Off On 11/1/21.**



**AMENDED FINAL BUDGET**  
**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT**  
**DEBT SERVICE FUND (SERIES 2015A2 & B2)**  
**FISCAL YEAR 2021/2022**  
**OCTOBER 1, 2021 - SEPTEMBER 30, 2022**

	FISCAL YEAR 2021/2022 BUDGET 10/1/21 - 9/30/22	AMENDED FINAL BUDGET 10/1/21 - 9/30/22	YEAR TO DATE ACTUAL 10/1/21 - 9/29/22
<b>REVENUES</b>			
Interest Income (2015A-2 & 2015B-2)	100	859	859
Debt Assessments 2015A-2	1,069,260	0	0
Debt Assessments 2015B-2	275,530	0	0
Sale Of Riverton Property	0	2,925,539	2,925,539
<b>Total Revenues</b>	<b>\$ 1,344,890</b>	<b>\$ 2,926,398</b>	<b>\$ 2,926,398</b>
<b>EXPENDITURES</b>			
Principal Payments 2015A-2)	410,000	1,040,000	1,040,000
Principal Payments 2015B-2	0	0	0
Interest Payments 2015A-2	659,340	2,240,304	2,240,304
Interest Payments 2015B-2	275,550	0	0
Legal & Extraordinary 2015-2)	0	105,157	105,157
<b>Total Expenditures</b>	<b>\$ 1,344,890</b>	<b>\$ 3,385,461</b>	<b>\$ 3,385,461</b>
<b>Excess/ (Shortfall)</b>	<b>\$ -</b>	<b>\$ 459,063)</b>	<b>\$ 459,063)</b>

**Notes**

**A Portion (\$5,345,000) Of The Outstanding Bond Was Eliminated In Fiscal Year 2021/2022 (Due To Riverton Sale)  
Principal & Interest Payments Will Commence Upon Sale Of SPE Property.**

FUND BALANCE AS OF 9/30/21	\$1,327,223
FY 2021/2022 ACTIVITY	\$459,063)
FUND BALANCE AS OF 9/30/22	\$868,160

Note: Reserve (2015A-2 Account Balance = \$516,470\*.

Reserve (2015B-2 Account Balance = \$253,995\*. Revenue (15A-2 Account Balance = \$97,695\*.

\* Approximate Amounts

**Series 2015A-2 Bond Information**

Original Par Amount	\$11,280,000	Annual Principal Payments Due	May 1st
Interest Rate	6.60%	Annual Interest Payments Due	May 1st November 1st
Issue Date	March 2015	Original Par Amount Includes Compounded Interest	\$2,351,428.80)
Maturity Date	May 2036	<b>Principal &amp; Interest Payments Commence Upon Sale Of SPE Property.</b>	
Par Amount As Of 9/30/22	\$4,895,000		

**Series 2015B-2 Bond Information**

Original Par Amount	\$4,175,000	Annual Principal Payments Due	May 1st
Interest Rate	6.600%	Annual Interest Payments Due	May 1st November 1st
Issue Date	March 2015	Original Par Amount Includes Compounded Interest	\$870,320.50)
Maturity Date	May 2025	<b>Principal &amp; Interest Payments Commence Upon Sale Of SPE Property.</b>	
Par Amount As Of 9/30/22	\$4,175,000		

**CONSIDER APPROVAL  
OF AMENDMENT TO  
SETTLEMENT AGREEMENT  
WITH HARBORSIDE SUITES**

**TO BE DISTRIBUTED  
UNDER SEPARATE COVER**

South Bay  
Community Development District

**Financial Report For  
October 2022**

**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT  
MONTHLY FINANCIAL REPORT  
OCTOBER 2022**

	Annual Budget 10/1/22- 9/30/23	Actual Oct-22	Year To Date Actual 10/1/22 - 10/31/22	Year To Date Budget 10/1/22 - 10/31/22
<b>REVENUES</b>				
Administrative Assessments (On-Roll)	85,403	0	0	0
Administrative Assessments (Off-Roll)	152,453	0	0	0
Maintenance Assessments On-Roll	143,104	0	0	0
Maintenance Assessments (Off-Roll)	255,503	0	0	0
Debt Assessments - A1 On-Roll	729,255	0	0	0
Debt Assessments - A1 Off-Roll	113,701	0	0	0
Other Revenue	0	0	0	0
Other Revenue - Riverton Sale	0	0	0	0
Interest Income	420	0	0	35
<b>TOTAL REVENUES</b>	<b>\$ 1,479,839</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 35</b>
<b>O &amp; M EXPENDITURES</b>				
Supervisor Fees	10,000	800	800	800
Payroll Taxes Employer	800	61	61	64
Engineering	15,000	0	0	1,250
Engineering - Roadways	0	0	0	0
Surveying	1,000	0	0	83
Management	35,208	2,934	2,934	2,934
Legal	70,000	0	0	5,833
Legal - Extraordinary/Litigation	45,000	0	0	3,750
Assessment Roll	6,000	0	0	0
Audit Fees	7,250	0	0	0
Arbitrage Rebate Fee	1,950	0	0	0
Travel Per Diam	1,250	75	75	104
Insurance	12,000	12,070	12,070	12,000
Legal Advertising	5,200	0	0	433
Miscellaneous	2,500	105	105	208
Postage	750	0	0	62
Office Supplies	1,500	5	5	125
Dues Subscriptions	175	0	0	175
Website Management	2,000	167	167	167
Trustee Fees	9,000	0	0	0
Continuing Disclosure Fee	5,000	0	0	0
Property Taxes	390	0	0	0
Document Storage	1,200	50	50	100
<b>TOTAL ADMINISTRATIVE EXPENDITURES</b>	<b>\$ 233,173</b>	<b>\$ 16,267</b>	<b>\$ 16,267</b>	<b>\$ 28,088</b>
<b>MAINTENANCE EXPENDITURES</b>				
POA Maintenance	280,000	23,333	23,333	23,333
Seawall Reserve Contribution	50,000	0	0	0
Miscellaneous Maintenance	10,000	0	0	0
Maintenance Reserve Contribution	50,000	0	0	0
<b>TOTAL MAINTENANCE EXPENDITURES</b>	<b>\$ 390,000</b>	<b>\$ 23,333</b>	<b>\$ 23,333</b>	<b>\$ 23,333</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 623,173</b>	<b>\$ 39,600</b>	<b>\$ 39,600</b>	<b>\$ 51,421</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 856,666</b>	<b>\$ (39,600)</b>	<b>\$ (39,600)</b>	<b>\$ (51,386)</b>
Payment To Trustee A-1 Bond)	799,200)	0	0	-
<b>BALANCE</b>	<b>\$ 57,466</b>	<b>\$ (39,600)</b>	<b>\$ (39,600)</b>	<b>\$ (51,386)</b>
County Appraiser & Tax Collector Fee	19,155)	0	0	-
Discounts for Early Payments	38,311)	0	0	-
<b>EXCESS/ SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (39,600)</b>	<b>\$ (39,600)</b>	<b>\$ (51,386)</b>
Carryover From Prior Year	\$ -			\$ -
<b>NET EXCESS/ SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (39,600)</b>	<b>\$ (39,600)</b>	<b>\$ (51,386)</b>

**Notes**

\$464,164 was received for Riverton Sale on 10/26/21.

Fiscal Year 2020/2021 Sale Of Riverton Legal Fees: \$36,390

Fiscal Year 2021/2022 Sale Of Riverton Legal Fees: \$8,490

Fiscal Year 2020/2021 Sale Of Riverton Legal Advertising Fees: \$4,514

Fiscal Year 2021/2022 Roadway Maintenance Deducted From Reserve: \$110,977.35 -

Reserve Balance As Of 9/30/21 Was \$129,668. Expenditure As Of 9/30/22 = \$240,645.25

Available Funds As Of 9/30/22	\$ 140,799.79
Bank Balance As Of 10/31/22	\$ 444,566.39
Accounts Payable As Of 10/31/22	\$ 11,874.01
Accounts Receivable As Of 10/31/22	\$ 5,000.00
Reserve For Seawall Repairs As Of 10/31/22	\$ 32,700.00
Reserve For Maintenance As Of 10/31/22	\$ 303,792.65
Available Funds As Of 10/31/22	\$ 101,199.73

<b>Reserve For Maintenance</b>
\$464,164.00
-\$36,390.00
-\$8,490.00
-\$4,514.00
-\$110,977.35
<b>\$303,792.65</b>

**South Bay Community Development District**  
**Expenditures**  
**October 2022**

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
<b>Expense</b>					
<b>511.122 · Payroll tax expense</b>					
	10/18/2022	PR 10.14.22		MTG 10.14.22 CK 10.19.22 Payroll Taxes)	61.20
Total 511.122 · Payroll tax expense					<u>61.20</u>
<b>511.131 · Supervisors Fee</b>					
	10/18/2022	PR 10.14.22		MTG 10.14.22 CK 10.19.22 Supervisor Fees)	800.00
Total 511.131 · Supervisors Fee					<u>800.00</u>
<b>511.311 · Management Fees</b>					
	10/31/2022	2022-1647	Special District Services, Inc.	Management Fee Oct 2022	2,934.00
Total 511.311 · Management Fees					<u>2,934.00</u>
<b>511.441 · Travel Per Diam</b>					
	10/31/2022	2022-1647	Special District Services, Inc.	Travel	75.00
Total 511.441 · Travel Per Diam					<u>75.00</u>
<b>511.450 · Insurance</b>					
	10/01/2022	INV-36393-Y6Z6	Florida Municipal Insurance Trust	Renew Policy FMIT# 1321 Annual Billing - 22/23 Fund Year	12,070.00
Total 511.450 · Insurance					<u>12,070.00</u>
<b>511.512 · Miscellaneous</b>					
	10/18/2022	PR 10.14.22		MTG 10.14.22 CK 10.19.22 Payroll Processing)	52.60
	10/31/2022	2022-1647	Special District Services, Inc.	Conference Calls	52.32
Total 511.512 · Miscellaneous					<u>104.92</u>
<b>511.514 · Office Supplies</b>					
	10/31/2022	2022-1647	Special District Services, Inc.	Copier	4.50
Total 511.514 · Office Supplies					<u>4.50</u>
<b>511.748 · Document Storage</b>					
	10/31/2022	2022-1647	Special District Services, Inc.	Document Storage	50.45
Total 511.748 · Document Storage					<u>50.45</u>
<b>511.750 · Website Management</b>					
	10/31/2022	2022-1647	Special District Services, Inc.	Website Fee Oct 2022	166.66
Total 511.750 · Website Management					<u>166.66</u>
<b>511.882 · Common Area Maintenance</b>					
	10/01/2022	2022-10-01	Little Harbor POA Monthly	Common Area Maintenance	20,000.00
	10/01/2022	2022-10-01-REMAINING	Little Harbor POA Monthly	Common Area Maintenance	3,333.33
Total 511.882 · Common Area Maintenance					<u>23,333.33</u>
<b>Total Expenditures</b>					<u><b>39,600.06</b></u>

**South Bay Community Development District**  
**Balance Sheet**  
**As of October 31, 2022**

	<u>Operating Fund</u>	<u>Debt Service Fund (05)</u>	<u>Debt Service Fund (15)</u>	<u>Capital Projects Fund</u>	<u>Gen Fixed Assets Fund</u>	<u>Long Term Debt Fund</u>	<u>TOTAL</u>
<b>ASSETS</b>							
<b>Current Assets</b>							
<b>Checking/Savings</b>							
Seacoast Bank	444,566.39	0.00	0.00	0.00	0.00	0.00	444,566.39
<b>Total Checking/Savings</b>	<b>444,566.39</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>444,566.39</b>
<b>Total Current Assets</b>	<b>444,566.39</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>444,566.39</b>
<b>Other Assets</b>							
Investments - Principal Account (2015-B1)	0.00	0.00	0.04	0.00	0.00	0.00	0.04
Investments - Interest Account (A1)	0.00	0.00	0.20	0.00	0.00	0.00	0.20
Investments - Revenue Account (2005)	0.00	8,772.46	0.00	0.00	0.00	0.00	8,772.46
Investments - Prepayment Account (B1)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investments - Prepayment Account (A1)	0.00	0.00	4,877.78	0.00	0.00	0.00	4,877.78
Investments - Reserve Account (B2)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investments - Interest Account (B1)	0.00	0.00	0.20	0.00	0.00	0.00	0.20
Investments - Interest Account (B2)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Investments - Revenue Account (2015-1)	0.00	0.00	343,745.38	0.00	0.00	0.00	343,745.38
Investments - Reserve Account (2015-A1)	0.00	0.00	411,125.63	0.00	0.00	0.00	411,125.63
Investments - Reserve Account (2015-B1)	0.00	0.00	0.57	0.00	0.00	0.00	0.57
Investments - Revenue Account (2015-2)	0.00	0.00	97,771.27	0.00	0.00	0.00	97,771.27
Investments - Reserve Account (2015-A2)	0.00	0.00	516,470.00	0.00	0.00	0.00	516,470.00
Investments - Reserve Account (2015-B2)	0.00	0.00	253,995.40	0.00	0.00	0.00	253,995.40
Investments - Sinking (2015-1)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Accounts Receivable	5,000.00	0.00	0.00	0.00	0.00	0.00	5,000.00
A/R Non Ad Valorem Receipts	0.00	0.00	0.00	0.00	0.00	0.00	0.00
A/R B-1 Bond Assessments	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Land	0.00	0.00	0.00	0.00	16,812,056.00	0.00	16,812,056.00
Infrastructure	0.00	0.00	0.00	0.00	28,197,947.00	0.00	28,197,947.00
Accumulated Depreciation	0.00	0.00	0.00	0.00	-6,066,554.00	0.00	-6,066,554.00
Amount Available In DSF (2005)	0.00	0.00	0.00	0.00	0.00	8,772.46	8,772.46
Amount Available In DSF (2015)	0.00	0.00	0.00	0.00	0.00	1,627,986.47	1,627,986.47
Amount To Be Provided	0.00	0.00	0.00	0.00	0.00	21,748,241.07	21,748,241.07
<b>Total Other Assets</b>	<b>5,000.00</b>	<b>8,772.46</b>	<b>1,627,986.47</b>	<b>0.00</b>	<b>38,943,449.00</b>	<b>23,385,000.00</b>	<b>63,970,207.93</b>
<b>TOTAL ASSETS</b>	<b>449,566.39</b>	<b>8,772.46</b>	<b>1,627,986.47</b>	<b>0.00</b>	<b>38,943,449.00</b>	<b>23,385,000.00</b>	<b>64,414,774.32</b>

**South Bay Community Development District  
Balance Sheet  
As of October 31, 2022**

	<u>Operating Fund</u>	<u>Debt Service Fund (05)</u>	<u>Debt Service Fund (15)</u>	<u>Capital Projects Fund</u>	<u>Gen Fixed Assets Fund</u>	<u>Long Term Debt Fund</u>	<u>TOTAL</u>
<b>LIABILITIES &amp; EQUITY</b>							
<b>Liabilities</b>							
<b>Current Liabilities</b>							
Reserve For Seawall Repairs	32,700.00	0.00	0.00	0.00	0.00	0.00	32,700.00
Reserve For Maintenance (Previous)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Reserve For Maintenance	303,792.65	0.00	0.00	0.00	0.00	0.00	303,792.65
Due To Bondholders	0.00	6,755,000.00	0.00	0.00	0.00	0.00	6,755,000.00
Accounts Payable	11,874.01	0.00	0.00	0.00	0.00	0.00	11,874.01
<b>Total Accounts Payable</b>	<b>348,366.66</b>	<b>6,755,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7,103,366.66</b>
<b>Total Current Liabilities</b>	<b>348,366.66</b>	<b>6,755,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7,103,366.66</b>
<b>Long Term Liabilities</b>							
Special Assessment Debt (2005)	0.00	0.00	0.00	0.00	0.00	6,755,000.00	6,755,000.00
Special Assessment Debt (2015A-1)	0.00	0.00	0.00	0.00	0.00	7,560,000.00	7,560,000.00
Special Assessment Debt (2015B-1)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Special Assessment Debt (2015A-2)	0.00	0.00	0.00	0.00	0.00	4,895,000.00	4,895,000.00
Special Assessment Debt (2015B-2)	0.00	0.00	0.00	0.00	0.00	4,175,000.00	4,175,000.00
<b>Total Long Term Liabilities</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>23,385,000.00</b>	<b>23,385,000.00</b>
<b>Total Liabilities</b>	<b>348,366.66</b>	<b>6,755,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>23,385,000.00</b>	<b>30,488,366.66</b>
<b>Equity</b>							
Investment In General Fixed Assets	0.00	0.00	0.00	0.00	45,010,003.00	0.00	45,010,003.00
Retained Earnings	140,799.79	-6,746,227.55	1,627,708.72	0.00	-6,066,554.00	0.00	-11,044,273.04
Current Year Depreciation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Net Income*	-39,600.06	0.01	277.75	0.00	0.00	0.00	-39,322.30
<b>Total Equity</b>	<b>101,199.73</b>	<b>-6,746,227.54</b>	<b>1,627,986.47</b>	<b>0.00</b>	<b>38,943,449.00</b>	<b>0.00</b>	<b>33,926,407.66</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>449,566.39</b>	<b>8,772.46</b>	<b>1,627,986.47</b>	<b>0.00</b>	<b>38,943,449.00</b>	<b>23,385,000.00</b>	<b>64,414,774.32</b>

**Notes**

Roadways Expenditures Were Deducted From (9-30-21) Maintenance Reserve (\$129,668).

Seawall Expenditures Are Deducted From Seawall Reserve. Balance As Of 9/30/21 Was \$36,200.

In 21-22\* For Balance Sheet: Eligible Roadways & Seawall Expenditures Are Added To Operating Fund Net Income Amount.

2021/2022 Amount = \$133,168.

In 21-22\* For Balance Sheet: Reserve For Maintenance is Subtracted From Operating Fund Net Income Amount.

21/22 Amount = \$303,792.65.

## MEMORANDUM

**TO:** South Bay Board of Directors  
**FROM:** David L. Smith  
**DATE:** October 3, 2022 Client-Matter Number: 40242-2  
**SUBJECT:** Agenda Items - Fiscal Year 2022-2023

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Board Members,

This memorandum is for the purpose of summarizing the primary issues that need to be addressed and resolved in the upcoming fiscal year for South Bay CDD prior to turnover of control. (See below.) For your ease of reference, I will consolidate here issues on which you have been briefed, at least in part, via various other memoranda previously.

The point is to resolve these matters while we have a Board, which has the institutional knowledge associated with most of these issues. It is also important to address these issues while we have the District Management, District Counsel and District Engineer with that background knowledge.

These items are identified as follows, with additional information to be provided subsequently so that each can be addressed thoroughly:

### **I. Harborside Suites Issues**

A. Amendment to Settlement Agreement. The original Settlement Agreement with Harborside Suites was dated November 1, 2013. Since then, many of the requirements and conditions have been met or are no longer relevant. In order to provide a clear go-forward basis governing the District's relationship with Harborside Suites, it is important that we revise the Settlement Agreement to reflect the current state of affairs.

B. Harborside Seawall Repairs. Harborside Suites has previously undertaken to repair the seawalls along the eastern and southern edge of its properties contiguous to the Harborside Cove Marina. The question is whether this is part of a District-wide seawall repair obligation or is simply the obligation of Harborside Suites. Both the Settlement Agreement and the Seawall Repair and Assessment Methodology will need to be reviewed in answering this question.



## **II. Global Title and Survey Issues**

A. District Engineer Efforts. The District Engineer has been gathering all available surveys that have been generated in conjunction with transfers and sales of property within the District. It is the goal to consolidate those surveys and get an overall understanding of the exact locations of the various boundaries of the property. It may nonetheless be necessary to incur expense for completion of this survey work. The survey and title work was not done with great care by the Developer and yet those matters have significant ramifications for many of the issues identified in this memorandum and otherwise applicable to the District.

B. Ownership Obligations. Many of the issues discussed herein relate to the actual ownership of the various properties comprising the District and the obligations attendant to that ownership. It is for this reason that the District needs to consider whether it wants to obtain a global title insurance policy to clarify once and for all the exact ownership situation. It could very well be that this title work, if done in conjunction with the above-referenced survey work could be immensely valuable on a go-forward basis. It is, however, not an inexpensive process.

## **III. Pending Litigation**

A. SunTex Marinas. There is existing litigation with the successor-in-interest to Little Harbor Ltd. We need to attempt to resolve this litigation in conjunction with addressing other issues related to the property owned or controlled by SunTex Marinas.

B. SunTex Marinas Access. As per a recent settlement in conjunction with the T-Docks, the District agreed to attempt to assist Little Harbor Ltd. address its access issues. We will need to elaborate exactly what those problems are and what path there may be to their resolution. We do not currently know whether the new owner is fully aware of these issues. Nonetheless, it is in at least their interest to get these matters resolved.

C. Personal Injury Suit on Property Near Pier. There was a claim asserted with regard to a fall by a visitor on the property located near the pier in the Tiki Hut. There is a need to clarify the exact ownership of that property, which has bearing on whose obligation it is to defend and/or pay any associated damages that may become due. As you can see, a lot of these matters are inter-related.

## **IV. Assessment Methodology Review**

A. Changes in Use. We need to evaluate whether the initial development concept has vestigial impact on the Assessment Methodology which should be corrected. That is, there was a resort concept initially. We need to determine whether the allocation of certain expenses was attendant to the resort amenities concept and was included in the Assessment Methodology.

B. Zoning and Land Use Changes. We need to review the various zoning and land use changes associated with the property to determine whether it has altered the potential development on various parcels, thereby possibly altering the allocation of assessments among the parcels.

C. Changes per Settlement Agreements. We need to review each Settlement Agreement and determine whether any of those obligations have been altered by virtue of related subsequent developments.

That then would need to be translated through to any implications it has on the assessment methodology. In all events, it is important that the new Board understand what obligations are still outstanding.

D. Board Action. We need to review the various actions taken by the Board to determine whether they have any impact on the applicable assessment methodology in allocation of assessments, or otherwise impact the District.

E. Seawall Maintenance Decisions. We need to summarize exactly what decisions have been made with regard to seawall maintenance and what that impact has with respect to the allocation of assessments on a go-forward basis, if any.

F. Existing Agreements. There are certain existing agreements that create contractual obligations regarding seawall maintenance and other matters. We need to evaluate those in terms of what impact, if any, they have on a global seawall maintenance approach for governance of the District.

G. Additions, Deletions or Changes to Infrastructure. We need to evaluate whether there have been any changes to the available infrastructure and any associated amenities that create financial obligations that must be assessed against all or portions of the property owners of the District.

#### V. Seawall Access Easement Agreement

A. Ownership and Methodology Outcomes. Depending upon the ownership determination and the methodology evaluations described above, we will need to determine exactly what the maintenance obligations are for the District and what they are for private property owners.

B. Execution and Recording of Agreement. Once the items identified in paragraph A above are determined, we need to get the Seawall Access Easement Agreement executed and recorded in the public records so this is established on a go-forward basis clearly for all concerned.

#### VI. Notice and Opportunity to be Heard

A. Sufficient Notice. It is important that all property owners receive notice of these pending decisions so that they may have an opportunity to provide input in that process. This summary is a continuing effort to make sure the notice is provided through the agenda process to all concerned in order to meet this goal.

B. Opportunity to be Heard. Part of the due process requirements for the District is that in addition to providing notice there must be a legitimate and sufficient opportunity for the property owners to provide their input and provide any evidence or argument related to the issues to be determined by the Board. Accordingly, we need to set specific time periods for such participation to occur so that all members have that opportunity and the Board has the benefit of all of the information related to the decision the Board must make.

#### VII. Turnover of Control

A. Completion of Above Information Gathering. It is in part and parcel in connection with the turnover of control that we complete all of the above-referenced items so that the membership has had an

opportunity to participate and that there is clarity on exactly what will occur on a go-forward basis and what items remain for the new Board to determine.

B. Process. There is a process that must be followed in order to make sure that turnover occurs in a manner consistent with applicable law. Essentially, it is that all relevant parties must have notice and opportunity to be heard before a decision is made. This will be elaborated on as will the other items above.

jsl

October 20, 2022

Richard E. Brylanski, P.E.  
Hole Montes, Inc.  
6200 Whiskey Creek Drive  
Fort Myers, FL 33919  
Email: [RickBrylanski@hmeng.com](mailto:RickBrylanski@hmeng.com)

**Re: Seawall Inspection for Little Harbor East Marina  
3301 Sea Grape Drive, Ruskin, FL 33570**

Dear Mr. Brylanski,

This letter provides a summary of the field inspection performed on October 5, 2022, of the marina basin seawall located at the above referenced address. The seawall system was previously inspected by Reuben Clarson Consulting staff in October 2019. The focus of the inspection was the southern side of the marina basin with movement in the seawall reported after the Hurricane Ian storm event. The following is a summary of findings and recommendations.

### ***Existing Conditions/Construction***

- 1,204 LF +/- of Seawall
- Cast-In-Place Concrete Cap (12" x 20", 18" x 24", 24" x 27", 25" x 44" & 19" x 25")
- Precast Concrete & Vinyl Sheet Pile Seawall Sections
- Seawall Exposed Height = 75-98 inches

Approximately 1,204 linear feet (LF) of a vinyl sheet pile seawall consisting of 12-22 ft long sheets with various concrete cap sizes and PVC encased tiebacks. The exposed height from the top of the cap to the berm (mudline) ranges from 6.25 ft at the southwest end of the marina to 8.2 ft at the eastern end of the marina basin.

The existing vinyl seawall system was replaced during redevelopment of the property around 2012. A vinyl sheet pile seawall and concrete cap was installed in front of the original concrete slab seawall. The marine contractor, Hecker Construction, advised us that the Developer requested the alignment of the new vinyl wall to be constructed more waterward of the existing concrete wall than the engineered plans called for in order to gain upland in areas of the project. Contrary to the design plans, the new vinyl wall was installed as much as 3 ft waterward of the existing wall in some areas. The void space between the vinyl sheets and the older concrete slabs was filled with sand.

Most of the vinyl sheets were observed to be kicking out at the bottom of the wall and the sheets are bowing in areas. The concrete cap is tilted backward in many areas. Significant loss of sediment was also evident in many areas behind the seawall. Since the seawall was installed waterward of the proposed design, the depth of the water and subsequent exposed height of the

780 94th Avenue North, Suite 102, St. Petersburg, FL 33702  
T: 727.895.4717 E: [Info@ReubenClarsonConsulting.com](mailto:Info@ReubenClarsonConsulting.com) W: [ReubenClarsonConsulting.com](http://ReubenClarsonConsulting.com)

seawall is greater than was anticipated in the vinyl seawall replacement design.

Therefore, the penetration depth in the sediment of the vinyl sheets is less than the adequate and is causing movement of the wall. The sections of the seawall that have kicked out may not be stabilized. In addition, the old concrete wall may be pushing outward on the replaced vinyl wall as sand and not concrete was filled between the two walls.

Wellpoint drains have been installed to relieve hydrostatic pressure or water from behind the seawall. However, the drains have tilted upward in areas where the wall has kicked out and may not be draining most efficiently. In some areas along the south side of the basin the wellpoint drains have become misaligned. Significant sediment loss behind the seawall was observed. Sediment is being lost through misaligned, damaged, or improperly installed wellpoint drains.

Most of the southern portion of the seawall cap is in good condition. Although, structural defects (horizontal cracking) in the front face of the seawall cap were observed by the marina loading area indicating the rebars inside the concrete are rusting from salt intrusion. The rusting causes the rebars to expand and thus crack the concrete. Shear cracking of the concrete cap due to movement of the seawall was also observed along the southern side of the basin.

Provided in the table below is a summary of the field observations at measured stations starting at the southwestern end of the marina basin (0' LF) and ending at the southeast section.



**Table 1: Seawall Inspection Observations**

Note: Station 0' Starts at SW End of Marina Basin Moving to SE end of Marina Basin

<b>Stations</b>	<b>Cap Size</b>	<b>Vertical Wall</b>	<b>Exposed Ht.</b>	<b>Observation/Comment</b>
0' to 12'	12" x 20"	Vinyl	98"	<ul style="list-style-type: none"> <li>Mangroves located in front of the wall.</li> </ul>
0' to 121'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Drains slightly tilted up indicating settlement.</li> </ul>
97' to 115.5'	12" x 20"	Vinyl	109"	<ul style="list-style-type: none"> <li>Cap slopes upward.</li> </ul>
121'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion Joint.</li> </ul>
121' to 242'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Sheets bowing and cap tilted landward heavily.</li> </ul>
121' to 272'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Large void pockets and sediment loss behind the wall.</li> <li>Approximately 5' to 6' of disturbed earth extending back behind the wall.</li> </ul>
121' to 787'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Misaligned, crushed, and missing wellpoint drains.</li> </ul>
135'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Area backfilled with shell extending 6' back.</li> </ul>
138.5' to 143'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>FDC connection.</li> </ul>
145'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Stress crack in the cap.</li> </ul>
182'	12" x 20"	Vinyl	116"	<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
186' to 205.5	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Stress cracking in the cap.</li> </ul>
223' to 228'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Stress cracking in the cap.</li> </ul>
242'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
242' to 605'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Cap tilting landward (medium tilt) and sheets bowing.</li> </ul>
259'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Stress cracking in the cap.</li> </ul>
303'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
357.5' to 361.5'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>FDC Connection.</li> </ul>
364'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion Joint.</li> </ul>
423'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
437'	12" x 20"	Vinyl	106"	<ul style="list-style-type: none"> <li>Void pocket was approximately 2' deep.</li> </ul>
484'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion Joint.</li> </ul>
540'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Vegetation growth through the top of the wall.</li> </ul>
544'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
553' to 559'	12" x 20"	Vinyl		<ul style="list-style-type: none"> <li>FDC connection.</li> <li>Sediment loss evident in the right-side drain.</li> </ul>
605'	12" x 30"	Vinyl		<ul style="list-style-type: none"> <li>Cap alignment changes</li> </ul>
605' to 665'	12" x 30"	Vinyl		<ul style="list-style-type: none"> <li>(Heavy) Tilting of cap and bowing of sheets.</li> </ul>
665'	12" x 27"	Vinyl	119"	<ul style="list-style-type: none"> <li>Expansion joint.</li> <li>Cap alignment changes.</li> </ul>

665' to 787'	12" x 27"	Vinyl		<ul style="list-style-type: none"> <li>(Medium) Tilting of cap and bowing of sheets.</li> </ul>
726' to 730'	12" x 27"	Vinyl		<ul style="list-style-type: none"> <li>FDC connection.</li> </ul>
726'	12" x 27"	Vinyl		<ul style="list-style-type: none"> <li>Expansion Joint.</li> </ul>
727'	12" x 27"	Vinyl		<ul style="list-style-type: none"> <li>Cut sheet under FDC.</li> </ul>
732'	12" x 27"	Vinyl		<ul style="list-style-type: none"> <li>Cut sheet under cap.</li> </ul>
748'	12" x 27"	Vinyl		<ul style="list-style-type: none"> <li>Vegetation growth through the sheeting.</li> </ul>
787'	12" x 30"	Vinyl		<ul style="list-style-type: none"> <li>Cap alignment changes.</li> <li>Sheets bowed slightly more for approximately 10' in this area.</li> </ul>
834' to 837'	18" x 24"	Vinyl	116"	<ul style="list-style-type: none"> <li>FDC connection.</li> </ul>
848'	18" x 24"	Vinyl		<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
902' to 906'	18" x 24"	Vinyl		<ul style="list-style-type: none"> <li>FDC connection.</li> </ul>
909'	18" x 24"	Vinyl		<ul style="list-style-type: none"> <li>Expansion Joint.</li> <li>Approximately 1' of longitudinal cracking in the top of the cap.</li> </ul>
969'	18" x 24"	Vinyl	113"	<ul style="list-style-type: none"> <li>Expansion joint.</li> </ul>
962' to 972'	18" x 24"	Vinyl	113"	<ul style="list-style-type: none"> <li>Longitudinal cracking in the top of the cap.</li> </ul>
986' to 990'	18" x 24"	Vinyl	123"	<ul style="list-style-type: none"> <li>Longitudinal cracking in the top of the cap.</li> </ul>
1019' to 1021'	18" x 24"	Vinyl	99"	<ul style="list-style-type: none"> <li>FDC connection.</li> </ul>
1026'	24" x 27"	Vinyl	99"	<ul style="list-style-type: none"> <li>Change in cap height to marina loading area 31" below.</li> <li>Longitudinal cracking full length of cap face.</li> <li>Approximately 5' of stress cracking at the end of this wall.</li> <li>No drains evident in this section of wall.</li> </ul>
1086' to 1090'	24" x 27"	Vinyl	102"	<ul style="list-style-type: none"> <li>Cap (Wrap cap) split apart revealing it is a concrete wrap cap over top of a wooden waler with tieback rods running through it.</li> </ul>
1090'	25" x 44"	Vinyl	102"	<ul style="list-style-type: none"> <li>End of lower wall.</li> </ul>
1130'	25" x 44"	Vinyl	102"	<ul style="list-style-type: none"> <li>Piling supported wall.</li> </ul>
1130' to 1204'	25" x 44"	Vinyl	102"	<ul style="list-style-type: none"> <li>Newer secondary anchors installed in this area (8).</li> <li>Wood waler evident.</li> </ul>

### ***Seawall Recommendations***

It should be noted that the useful life of a concrete seawall on saltwater is approximately 50± years. Additional movement in the wall was encountered from our last inspection in 2019. During Hurricane Ian storms the water was pulled out of the bay and in some areas, we experienced a -5 tide resulting very shallow waters within the marina basin adjacent to the seawalls. We experienced a comparable situation after the Hurricane Irma storm in 2017. The walls were not designed to have such low water levels. The water levels on the water side help hold the wall in place.

During Ian storms the ground was saturated behind the wall from accumulated rainfall causing significant forces on the back of the wall from high groundwaters and with lower water pressure on the front of the wall during the extreme low tide condition, the wall and anchoring deadmen moved forward under the extreme unbalanced forces. This action also resulted in soil fissures and depressions behind the wall. The wall is still anchored with tierods from the concrete cap to concrete deadmen buried behind the wall. The wall should not be in eminent danger of collapse at this time barring another similar storm or Act of God occurring. However, we do recommend repairs and structural reinforcement of the existing vinyl seawall system to be completed before the winter low tides this season.

The following are recommended options for maintenance and repairs.

#### **Option 1: Short Term Maintenance and Repairs**

Option 1 includes repairs and structural reinforcement of the existing vinyl seawall system. For additional structural support of the seawall, we recommend adding at Stations 121' to 272' and 605' to 665' approximately 211 LF of a double box beam composite waler approximately 6" above the mean highwater (MHW) line to be anchored with new 1" diameter x 16' long HDG tieback rods to Manta Ray (MR-SR) anchors at 6' on center. The tieback rods should extend past both the existing vinyl wall and the original concrete wall.

All wellpoint drains should be replaced with new PVC slit type wellpoint drains or Jet Filter drains installed through vinyl wall at 6' on center and 5" above the barnacle line to relieve the hydrostatic pressure or aid in removing water from behind the wall. The annular area around the existing wellpoint drains and any holes should be filled with epoxy to limit sediment loss.

All voids behind the seawall should be filled with crushed shell or pea gravel as needed (perhaps more than once) to fill in the existing voids behind the seawall, allowing for drainage, but aid in trapping the sand particles. All cracking in the seawall cap areas should be chipped, cleaned, and filled with hydraulic cement or epoxy. Epoxy repair cut vinyl sheets to prevent sediment loss and aid in structural strength of the sheet pile.

The ballpark cost for this option is approximately \$60,000± with a useful life expectancy of approximately 20-30± years.



**Option 2: Short Term Maintenance and Repairs**

Option 2 includes repairs and structural reinforcement of the existing vinyl seawall system. For additional structural support of the seawall, we recommend adding approximately 930 LF of a double box beam composite waler approximately 6” above the mean highwater (MHW) line to be anchored with new 1” diameter x 16’ long HDG tieback rods to Manta Ray (MR-SR) anchors at 6’ on center. The tieback rods should extend past both the existing vinyl wall and the original concrete wall.

All wellpoint drains installed through vinyl wall at 6’ on center and 5” above the barnacle line to relieve the hydrostatic pressure or aid in removing water from behind the wall. The annular area around the existing wellpoint drains and any holes should be filled with epoxy to limit sediment loss.

All voids behind the seawall should be filled with crushed shell or pea gravel as needed (perhaps more than once) to fill in the existing voids behind the seawall, allowing for drainage, but aid in trapping the sand particles. All cracking in the seawall cap areas should be chipped, cleaned, and filled with hydraulic cement or epoxy. Epoxy repair cut vinyl sheets to prevent sediment loss and aid in structural strength of the sheet pile.

The ballpark cost for this option is approximately \$260,000± with a useful life expectancy of approximately 20-30± years.

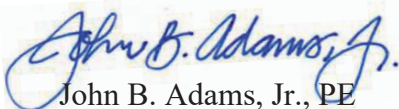
**Option 3: Seawall Replacement**

Option 3 includes replacement of the existing vinyl seawall system (930 LF). Recommended specifications for a new seawall would include construction of a new vinyl corrugated seawall system with 14’-20’ sheets and a new concrete cap and 1” diameter HDG PVC encased tieback rods to MR-SR manta ray anchors or deadmen. Wellpoint drains should be installed through both walls at 6’ on center and 5” above the barnacle line to relieve the hydrostatic pressure or aid in removing water from behind the wall. The existing wall would remain. Concrete filler would be applied between the two walls. The ballpark cost for replacement of the seawall in today’s prices is approximately \$465,000± with a useful life expectancy of 50± years.

If you should have any questions or comments, please do not hesitate to contact me. We appreciate the opportunity to provide this report.

Sincerely,

REUBEN CLARSON CONSULTING, INC.



John B. Adams, Jr., PE  
FL Professional Engineer No. 53963

Photo #1- View of Concrete Cap of Vinyl Section Tilting Backward Looking Northeast from Southwest End of Property



Photo #2 – View Looking Southwest from the Southwest End of property



Photo #3 – Settling in Seawall Causing Disjointing in Cap



Photo #4 – View of Settling and Movement of Seawall.



Movement of Earth  
Behind Seawall

Photo #5 – View of Settling and Movement of Seawall.



Photo #6 – View of Seawall Movement.



Photo #7 – View of Seawall Facing Northeast.



Photo #8 – View of Failing Wellpoint Drainage System.

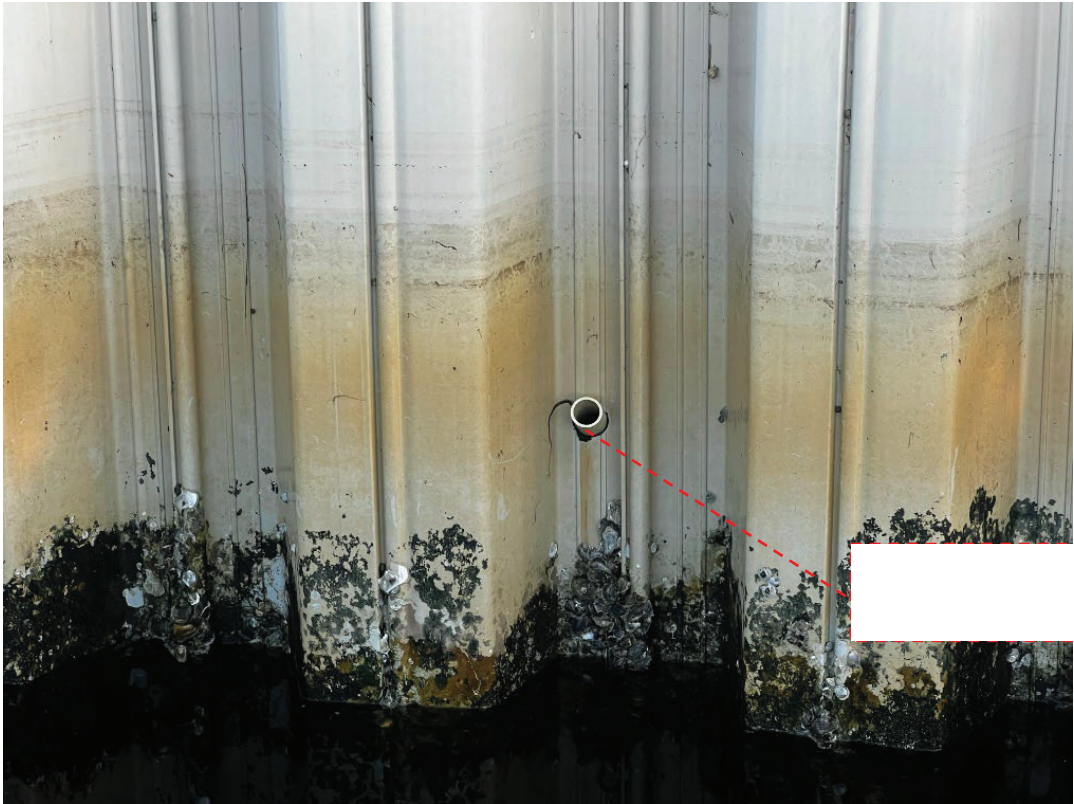


Photo #9 – View of Seawall Facing Southwest.



Photo #10 – Top View of Southwest End of Seawall Movement.



Photo #13 – View of Cut in Vinyl Sheet Pile Below Cap.



Photo #14 – View of Longitudinal Cracking in Seawall Cap.

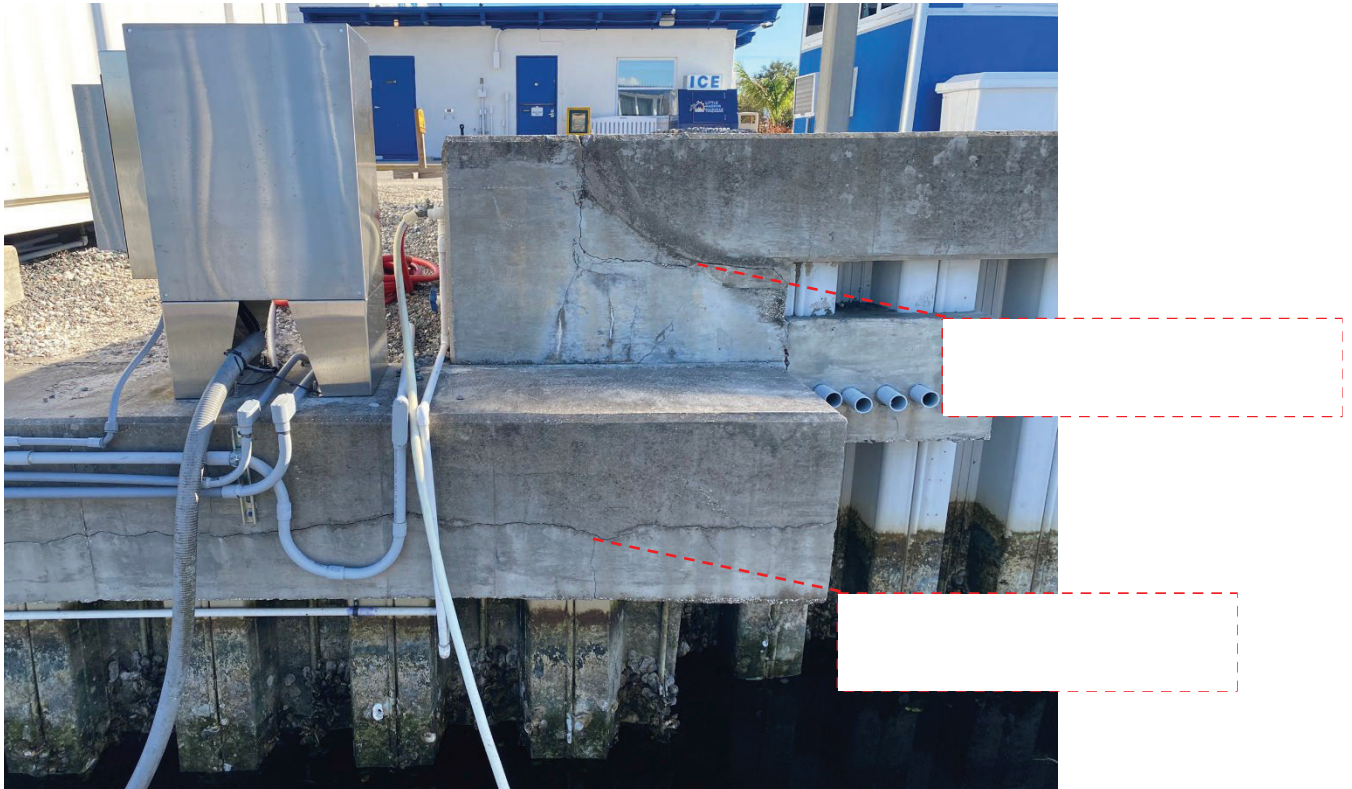


Photo #15 – Longitudinal Cracking in Seawall Cap.



Photo #16 – View of Seawall on Northeast End of Wall.





Photo #17 – View of Spalling in Wrap Cap.



780 94th Avenue N, Ste 102  
St Petersburg. FL 33702

**Invoice**

Date	Invoice #
10/27/2022	17298

<b>Bill To</b>
Hole Montes, Inc. 6200 Whiskey Creek Drive Fort Myers, FL 33919 rickbrylanski@hmeng.com

**Please pay within 10 Days.  
Thank you.**

Item	Description	Qty	Rate	Amount
Consulting Fees	Professional Services:Seawall Inspection and Reporting for Souther Side of Little Harbor East Marina at  South Bay Community Development District Little Harbor East Marina 3301 Sea Grape Drive Ruskin, FL 33570  PLEASE ADD INVOICE NUMBER TO CHECK. THANK YOU!	1	3,000.00	3,000.00

**Reuben Clarson, P.E.**  
Florida Licensed Engineer #16313  
Certificate of Authorization #9206  
Email: reuben@reubenclarsonconsulting.com  
Fax: 727-578-9542  
Tel: 727-895-4717

<b>Total</b>	\$3,000.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$3,000.00