



**SOUTH BAY
COMMUNITY DEVELOPMENT
DISTRICT**

**HILLSBOROUGH COUNTY
REGULAR BOARD MEETING
& PUBLIC HEARING
DECEMBER 9, 2022
1:00 P.M.**

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

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
REGULAR BOARD MEETING & PUBLIC HEARING
December 9, 2022
1:00 P.M.

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**SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
NOVEMBER 11, 2022**

A. CALL TO ORDER

The November 11, 2022, Regular Board Meeting of the South Bay Community Development District (the “District”) was called to order at 1:46 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	Leah Popelka	Present
Vice Chairman	Kelly Evans	Present
Supervisor	Ian Brown	Present
Supervisor	W. Thomas Grimm	Present
Supervisor	Mary Madden	Present

The following staff were in attendance:

District Manager	William Crosley	Special District Services, Inc.
District Manager	Todd Wodraska	Special District Services, Inc.
District Manager	Michelle Krizen	Special District Services, Inc.
General Counsel	David Smith	GrayRobinson, P.A.
District Engineer	Rick Brylanski	Hole Montes, Inc.

Also present were those indicated on the attached list.

D. ADMINISTER OATH OF OFFICE AND REVIEW BOARD MEMBER RESPONSIBILITIES & DUTIES

Mr. Crosley swore in Leah Popelka, Ian Brown and Mary Madden as new Supervisors and provided an overview of their responsibilities and duties.

A **motion** was made by Ms. Popelka, seconded by Mr. Grimm and passed unanimously appointing the following officers of the District:

Chairperson: Leah Popelka
Vice Chairperson: Kelly Evans
Assistant Secretary: Ian Brown
Assistant Secretary: W. Thomas Grimm
Assistant Secretary: Mary Madden
Secretary and Treasurer: William Crosley

E. ADDITIONS OR DELETIONS TO THE AGENDA

Ms. Madden requested the addition of a discussion on speed bumps and parking be added under Old Business.

F. APPROVAL OF MINUTES

1. October 14, 2022, Regular Board Meeting

The October 14, 2022, Regular Board Meeting minutes were presented for consideration.

A **motion** was made by Ms. Evans, seconded by Ms. Popelka and passed unanimously approving the minutes of the October 14, 2022, Regular Board Meeting, as presented.

G. OLD BUSINESS

Ms. Madden explained there were two additional speed bumps on Bahia Beach Boulevard and opined if a third one was needed by the curve where an automobile accident occurred. Mr. Brylanski explained there were several speed bumps and the drivers who want to speed are going to speed between speed bumps, no matter how many are put into place. A crushed shell pathway for walking would allow for more pedestrian safety concerns. Mr. Brylanski will provide pricing for same when available.

H. NEW BUSINESS

1. Consider Resolution No. 2022-06 – Adopting a Fiscal Year 2021/2022 Amended Budget

Resolution No. 2022-06 was presented, entitled:

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.

Mr. Crosley presented the amended budget and asked if anyone had questions. There being no questions, the following motion was made:

A **motion** was made by Mr. Grimm, seconded by Ms. Evans and passed unanimously adopting Resolution No. 2022-06, as presented.

2. Consider Amendment to Settlement Agreement with Harborside Suites

Mr. Smith explained that the settlement agreement looked at all the aspects of the original settlement agreement and cleans up the document. The developer left the area with work undone and there were some legal issues with Harborside Suites and the District. Twelve years ago the original settlement was reached and some items have been resolved. This document cleans up the language, making it easier to read for potential buyers of Harborside Suites parcels. Ms. Popelka questioned who was paying the legal fees. Mr. Smith noted that they had kept the legal fees separate, so they could bill the owner.

I. REPORTS

1. Manager's Report

a. Financial Report

Mr. Crosley presented the Financial Report and asked if there were any questions. There were no questions from the Board Members.

Mr. Crosley advised of a Public Hearing on December 9, 2022, where the Board will consider paid parking.

2. Legal Report

a. Memo to South Bay Board of Directors

Mr. Smith went over the memo regarding the issues that arose from the developer leaving the project. The Board is going to have to take action on these items before turnover. The previous developer did not convey properties, as promised. Mr. Smith explained that many of these items in the memo are interconnected and complex. The memo will be a standing document for meetings going forward with updates as needed. It was stated, again, that there will need to be more resident participation in discussions on how these memo items will be resolved. These discussions need to take place during District Board Meetings.

3. Engineer's Report

a. Seawall Inspection Reporting

Mr. Brylanski explained that the structural engineer had examined the seawall and provided a report. It was the opinion of the engineer that the seawall will not yield more under normal conditions. There are three options for repair:

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. This will cost approximately \$60,000 and will add a 10-20 year life expectancy.

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. This will cost approximately \$260,000. This option has a life expectancy of 20-30 years.

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 dead-men anchors. 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.

A **motion** was made by Mr. Grimm, seconded by Ms. Popelka directing legal staff and the engineer to research and bring back for consideration by the Board at the December 9, 2022, meeting "Option #1" for seawall repair.

After a lengthy discussion, the **motion** was never voted on by the Board. The discussion involved legal ownership, methodology, funds, easements and timelines. The discussion referred back to the Legal Memo.

Proway has completed some improvements by adding 3 speed bumps with the proper signage. They installed a layer of asphalt the areas used for parking on Mangrove Point Drive. Roadway markings still need to be done on Christopher Watch Lane to indicate direction to travel. Some improvements were made, including "Do Not Enter" signs, "Stop" signs as well as pavement markings. Mr. Brylanski will follow up with the remaining items.

4. Chairman's Report

Ms. Popelka deferred to Ms. Madden.

The residents are concerned about the length of time it is taking to get the paid parking in place. This is all due to the legal requirements. A Public Hearing regarding paid parking will be held on December 9, 2022.

5. POA Report

The POA Report was presented by Christine Trimmer and Kent Wanninger.

A **motion** was made by Mr. Grimm, seconded by Ms. Popelka and passed unanimously authorizing the replacement of the rope on the old tennis courts in the amount of \$1,900.

The paver repair will begin on Monday, insurance has been checked and verified for the not to exceed amount of \$3,500, which was previously approved by the Board for the project located near the entrance of the District.

The Sea Grape lighting is still an issue. TECO is the only realistic option due to costs. Mr. Smith stated TECO would not change their position regarding contractual language.

A **motion** was made by Ms. Popelka seconded by Mr. Brown to proceed with streetlight installation as long as the amount for the total project is consistent with the budget that was originally allocated for the

11 street lights along Sea Grape Drive and there are no additional costs. Upon being put to a vote, the **motion** carried unanimously.

Ms. Trimmer also reported that Allied Security has a new contract with the POA and should be a great asset to the community. The newly purchased low speed vehicle by the POA is visible in the community. They have rearranged the patrol schedule to ensure they are being used effectively.

New seal coating will be applied November 28-30, 2022, on townhome driveways. It was requested that the District Board allow parking for the equipment on District property near Mangrove Point and Bahia Beach Boulevard. There was consensus of the Board to allow parking for the equipment during the proposed dates.

J. ADMINISTRATIVE MATTERS

The Board was reminded of the Public Hearing scheduled for December 9, 2022.

K. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

L. BOARD MEMBER COMMENTS

Ms. Popelka noted that at the meeting scheduled for December 9, 2022, a Public Hearing to consider paid parking will be on the agenda. She requested that residents participate in that meeting, specifically during discussions regarding paid parking to better understand the needs of the community.

Mr. Grimm advised that the District was currently involved in litigation with Little Harbor Development over new assessments at the marina and prior to the current litigation, a settlement of a previous lawsuit was reached with Little Harbor Development that dealt with T Docks located at both marinas. Part of that lawsuit involved a public pedestrian easement, which was proposed to be abandoned all the way around the marina. Little Harbor Development argued that they did not have other legal access to the marina and asked that they not abandon the pedestrian easement. It was discussed that the District Board and Little Harbor Development (now owned by Suntext) would try to come to an agreement for granting a permanent pedestrian easement around the marinas. Mr. Grimm would like Mr. Smith to research to see if the agreement with Little Harbor Development continues forward and if Suntext, as the new owner, is bound by that agreement also.

Mr. Grimm also noted that the current towing company contract should be considered for termination and to engage with a different company.

M. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Popelka, seconded by Ms. Evans adjourning the Regular Board Meeting at 3:03 p.m. That **motion** passed unanimously.

Secretary/Assistant Secretary

Chair/Vice-Chair

SOUTH BAY SEWER AGREEMENT

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**

Miscellaneous Notices



Published in Tampa Bay Times on November 6, 2022

Location

Pasco County,

Notice Text

SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT NOTICE OF PUBLIC HEARING A public hearing will be conducted by the Board of Supervisors of the South Bay Community Development District on: DATE & TIME: December 9, 2022, meeting of the Board of Supervisors beginning at 1:00 pm. PLACE: 536 Bahia Beach Boulevard, Building B First Floor, Ruskin, FL 33570 GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Chapters 120 and 190, Florida Statutes, the hearing will consider amendment of a rule relating to overnight parking and parking enforcement within the District. The amendment will adopt initial parking fees. The purpose of the proposed rule is to adopt parking fees within District parking areas. Specific legal authority for the rule amendments and the provisions of the Florida Statutes being implemented includes Chapters 120 and 190, Florida Statutes, generally, and Section 190.011 and 120.54, Florida Statutes, specifically. Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provide by Section 120.541, Florida Statutes, must do so in writing within twenty-one (21) days after publication of this notice. If anyone chooses to appeal any decision of the Board with respect to any matter considered at the hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based. Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager at the address and number below. Copies of the current proposed rule may be obtained by contacting William Crosley c/o Special District Services, Inc., The Oaks Center, 2501A Burns Road, Palm Beach Gardens, FL 33410. On November 4, 2022, a Notice of Rule Development was published in the Florida Administrative Weekly, and on November 6, 2022, in the Tampa Bay Times. SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT www.sbaycdd.org PUBLISH: TAMPA BAY TIMES 11/06/22 (256012)

RESOLUTION 2022-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SOUTH BAY COMMUNITY DISTRICT AMENDING SECTION 8.0 OF THE RULES RELATING TO OVERNIGHT PARKING AND PARKING ENFORCEMENT; PROVIDING FINDINGS; ADOPTING PARKING RATES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Bay Community Development District (“District”) is a local unit of special-purpose government created and existing pursuant to Ordinance No. 04-17, as amended, being situated entirely within Hillsborough County, Florida; and,

WHEREAS, the Board of Supervisors of the District (“Board”) is authorized by the Act to adopt rules, orders, rates, fees and charges pursuant to Chapter 120, Florida Statutes; and,

WHEREAS, the Board previously adopted Rules of Procedure for the South Bay Community Development District that further outline the process for rulemaking proceedings; and,

WHEREAS, pursuant to Section 2.0 of the Rules of Procedure, the Board of Supervisors authorized and advertised a public hearing to consider the adoption of rules relating to overnight parking and parking enforcement; and,

WHEREAS, the Board previously adopted Section 8.0 entitled “Rules Relating to Overnight Parking and Parking Enforcement (the “Parking Policy”) on August 9, 2019; and,

WHEREAS, the Board entered into an agreement with Pave Mobility to operate and manage the Board’s parking; and,

WHEREAS, Pave Mobility submitted a parking rate study to the Board first on October 14, 2022, which is accepted by the Board and incorporated in its entirety into this Resolution; and,

WHEREAS, the Board of Supervisors has held public hearing on December 9, 2022, received public comment, and after due consideration, has decided to adopt the proposed amendment to the Parking Policy rules as modified in Exhibit “A” attached to and incorporated in this Resolution.

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

Section 1. Findings. The Board hereby incorporates the above-stated Recitals as legislative findings of the Board into this Resolution.

Section 2. Amendment to Section 8.0; Adoption of Parking Rates. The Board hereby amends Section 8.0 in its Rules of Procedures to be entitled “Rules Relating to Overnight Parking and Parking Enforcement” (hereafter “Parking Policy”) by creating a new subsection (8) and adopting parking fees, a copy of which is attached hereto as Exhibit A.

Section 3. Incorporation into Rules of Procedure. The District Secretary is directed to incorporate and codify these rules into the Rules of Procedure.

Section 4. Resolution of Conflicts. To the extent of any conflict between the language of this resolution and any other Board resolution, this resolution shall control.

Section 5. Severability. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, ADOPTED, AND EFFECTIVE THIS 9th DAY OF DECEMBER, 2022.

ATTEST:

**SOUTH BAY COMMUNITY
DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson, Board of Supervisors

APPROVED AS TO FORM & LEGALITY:

By: _____
District Counsel

EXHIBIT A

8.0 SOUTH BAY COMMUNITY DEVELOPMENT DISTRICT RULE RELATING TO OVERNIGHT PARKING AND PARKING ENFORCEMENT

In accordance with Chapter 190, Florida Statutes, and on August 9, 2019 at a duly noticed public meeting, the Board of Supervisors of the South Bay Community District (the "District") adopted the following policy to govern overnight parking and parking enforcement on certain District property, and then amended the policy to include parking fees on December 9, 2022.

(1) INTRODUCTION. The District finds that parked Commercial Vehicles, Vehicles, Vessels and Recreational Vehicles (hereinafter defined) on certain of its property Overnight (hereinafter defined) cause hazards and danger to the health, safety and welfare of District residents and the public. This policy is intended to provide the District with the ability to remove such Commercial Vehicles, Vehicles, Vessels and Recreational Vehicles from District designated Tow-Away Zones consistent with this Policy and as indicated on Exhibit A attached hereto. This Policy authorizes parking in any areas outside of the Tow-Away Zone depicted on Exhibit A.

(2) DEFINITIONS.

- (a)** *Commercial Vehicle.* Any mobile item which normally uses wheels, whether motorized or not, that (i) is titled, registered or leased to a company and not an individual person, or (ii) is used for business purposes even if titled, registered or leased to an individual person.
- (b)** *Vehicle.* Any mobile item which normally uses wheels, whether motorized or not.
- (c)** *Vessel.* Every description of watercraft, barge, or airboat used or capable of being used as a means of transportation on water.
- (d)** *Recreational Vehicle.* A vehicle designed for recreational use, which includes motor homes, campers and trailers relative to same.
- (e)** *Parked.* A Vehicle, Vessel or Recreational Vehicle left unattended by its owner or user.
- (f)** *Tow-Away Zone.* District property in which parking is prohibited and in which the District is authorized to initiate a towing and/or removal action.
- (g)** *Overnight.* Between the hours of 12:00 a.m. and 5:00 a.m. daily.

(3) GENERAL RULES FOR DESIGNATED PARKING AREAS. Subject to the limitations of these rules, the District permits parking in the following designated parking areas:

PARKING	TH 1 (South Lot)	TH 1 (Center Lot)	S. Beach Park Lot	N. Beach Park Lot	Tennis Cts (Apex)	AC Marina (Dry Storage)	AC On Street
SPACES	6	19	104	42	6	60	43
Overnight Parking	yes	yes	no	no	yes	yes	no

South Beach parking lot and North Beach parking lot are hereby established as “Tow-Away Zones” during Overnight hours for all Commercial Vehicles, Vessels, Recreational Vehicles and Vehicles (“Tow Away Zone”). Commercial Vehicles, Vessels, Recreational Vehicles and Vehicles may be parked during Overnight hours only in those other parking areas specifically designated by the table set forth above. All parking of any otherwise permitted Vehicle or Vessel must be in designated and delineated parking spaces, and said Vehicles or Vessels must fit in the space provided for parking.

(4) ESTABLISHMENT OF TOW-AWAY ZONES. The areas depicted in Exhibit A attached hereto are declared a Tow Away Zone.

(5) PROHIBITIONS. The District hereby prohibits (1) parking of any Vehicles or Vessels on District roads, rights-of-way, grass or landscaped areas, or property except in designated parking spaces or areas, (2) the use of District roads, rights-of-way, or property including designated parking spaces or areas to display any Vehicle or vessel for sale, (3) the parking of any Vehicles or Vessels that are not placed within a defined and delineated parking space, (4) the parking of any vehicles or vessels covered by a tarpaulin or other covering, (5) the parking of any Vehicles or Vessels bearing an expired license tag or plate and (6) the parking or storage of any Vehicle or Vessel that is inoperable.

(6) TOWING/REMOVAL PROCEDURES.

(a) SIGNAGE AND LANGUAGE REQUIREMENTS. Notice of the Tow-Away Zones shall be approved by the District’s Board of Supervisors and shall be posted on District property in the manner set forth in section 715.07, Florida Statutes. Such signage is to be placed in conspicuous locations, in accordance with section 715.07, Florida Statutes. All signage must clearly denote the words “Tow-Away Zone” and shall identify the hours in which the area is designated as a Tow-Away Zone, in accordance with Section 715.07, Florida Statutes.

(b) TOWING/REMOVAL AUTHORITY. To effect towing/removal of a Commercial Vehicle, Vehicle, Vessel or Recreational Vehicle, the District Manager or his/her designee must verify that the subject Commercial Vehicle, Vehicle, Vessel or Recreational Vehicle was not authorized to park under this rule. Upon such verification, the District Manager or his/her designee shall place a written warning on the windshield of the Commercial Vehicle, Vehicle, Vessel or Recreational Vehicle. Such written warning shall include the time of issuance of the warning. The District Manager or

his/her designee then may hire a firm authorized by Florida law to tow/remove Commercial Vehicle, Vehicles, Vessels and Recreational Vehicles for the removal of such unauthorized vehicle at the owner's expense. The Commercial Vehicle, Vehicle, Vessel or Recreational Vehicle shall be towed/removed by the firm in accordance with Florida law, specifically the provisions set forth in section 715.07, Florida Statutes.

(c) AGREEMENT WITH AUTHORIZED TOWING SERVICE. The District's Board of Supervisors is hereby authorized to enter into and maintain an agreement with a firm authorized by Florida law to tow/remove unauthorized vehicles in accordance with Florida law and with the policies set forth herein.

(d) LAW ENFORCEMENT. The District hereby authorizes law enforcement personnel of Hillsborough County and other units of government to enforce the provisions of the Policy, and to enforce any and all traffic and parking laws on District property.

(7) PARKING AT YOUR OWN RISK. Commercial Vehicles, Vehicles, Vessels or Recreational Vehicles may be parked on District property pursuant to this rule, provided however that the District assumes no liability for any theft, vandalism and/ or damage that might occur to personal property and/or to such vehicles.

(8) PARKING FEES. The Board hereby adopts the following parking rates applicable to its parking spaces:

Monday thru Thursday at \$3 per hour with a daily maximum of \$18

Friday thru Sunday at \$5 per hour with a daily maximum of \$25, including holidays

Board-designated special events within a range of \$10-\$30 flat rate restaurant

Up to 3 hours free parking may be provided for verified restaurant customers with written evidence of validation.

Effective date: January 1, 2023

South Bay
Community Development District

**Financial Report For
November 2022**

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

	Annual Budget 10/1/22 - 9/30/23	Actual Nov-22	Year To Date Actual 10/1/22 - 11/30/22	Year To Date Budget 10/1/22 - 11/30/22
REVENUES				
Administrative Assessments (On-Roll)	85,403	19,632	19,632	15,000
Administrative Assessments (Off-Roll)	152,453	63,310	63,310	60,000
Maintenance Assessments (On-Roll)	143,104	32,881	32,881	25,000
Maintenance Assessments (Off-Roll)	255,503	106,104	106,104	100,000
Debt Assessments - A1 (On-Roll)	729,255	167,575	167,575	150,000
Debt Assessments - A1 (Off-Roll)	113,701	56,851	56,851	55,000
Other Revenue	0	0	0	0
Other Revenue - Riverton Sale	0	0	0	0
Interest Income	420	0	0	70
TOTAL REVENUES	\$ 1,479,839	\$ 446,353	\$ 446,353	\$ 405,070
O & M EXPENDITURES				
Supervisor Fees	10,000	600	1,400	1,600
Payroll Taxes (Employer)	800	46	107	128
Engineering	15,000	0	1,268	2,500
Engineering - Roadways	0	0	630	0
Surveying	1,000	0	0	166
Management	35,208	2,934	5,868	5,868
Legal	70,000	0	6,420	11,666
Legal - Extraordinary/Litigation	45,000	0	0	7,500
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	139	214	208
Insurance	12,000	0	12,070	12,000
Legal Advertising	5,200	519	1,337	866
Miscellaneous	2,500	104	209	416
Postage	750	51	51	124
Office Supplies	1,500	71	75	250
Dues & Subscriptions	175	0	175	175
Website Management	2,000	167	333	334
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	27	77	200
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 233,173	\$ 4,658	\$ 30,234	\$ 44,001
MAINTENANCE EXPENDITURES				
POA Maintenance	280,000	23,333	46,667	46,670
Seawall Reserve Contribution	50,000	0	3,000	5,000
Miscellaneous Maintenance	10,000	0	0	0
Maintenance Reserve Contribution	50,000	21,400	21,400	20,000
TOTAL MAINTENANCE EXPENDITURES	\$ 390,000	\$ 44,733	\$ 71,067	\$ 71,670
TOTAL EXPENDITURES	\$ 623,173	\$ 49,391	\$ 101,301	\$ 115,671
REVENUES LESS EXPENDITURES	\$ 856,666	\$ 396,962	\$ 345,052	\$ 289,399
Payment To Trustee (A-1 Bond)	(799,200)	(214,505)	(214,505)	(210,000)
BALANCE	\$ 57,466	\$ 182,457	\$ 130,547	\$ 79,399
County Appraiser & Tax Collector Fee	(19,155)	(4,226)	(4,226)	(3,000)
Discounts for Early Payments	(38,311)	(8,804)	(8,804)	(7,000)
EXCESS/(SHORTFALL)	\$ -	\$ 169,427	\$ 117,517	\$ 69,399
Carryover From Prior Year	\$ -			\$ -
NET EXCESS/(SHORTFALL)	\$ -	\$ 169,427	\$ 117,517	\$ 69,399

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 = \$240,645.35

Fiscal Year 2022/2023 Maintenance Reserve Contribution Budget = \$50,000. Current Funds Remaining = \$28,600 (\$50,000 - \$21,140 = \$28,600).

Fiscal Year 2022/2023 Seawall Reserve Contribution Budget = \$50,000. Current Funds Remaining = \$47,000 (\$50,000 - \$3,000 = \$47,000).

Available Funds As Of 9/30/22	\$ 147,186.89
Bank Balance As Of 11/30/22	\$ 848,196.19
Accounts Payable As Of 11/30/22	\$ 251,999.96
Accounts Receivable As Of 11/30/22	\$ 5,000.00
Reserve For Seawall Repairs As Of 11/30/22	\$ 32,700.00
Reserve For Maintenance As Of 11/30/22	\$ 303,792.65
Available Funds As Of 11/30/22	\$ 264,703.58

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

South Bay Community Development District
Expenditures
October through November 2022

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
Expenditures					
511.122 · Payroll tax expense					
	10/18/2022	PR 10.14.22		MTG 10.14.22 CK 10.19.22 (Payroll Taxes)	61.20
	11/17/2022	PR 11.11.22		MTG 11.11.22 CK 11.18.22 (Payroll Taxes)	45.90
Total 511.122 · Payroll tax expense					<u>107.10</u>
511.131 · Supervisors Fee					
	10/18/2022	PR 10.14.22		MTG 10.14.22 CK 10.19.22 (Supervisor Fees)	800.00
	11/17/2022	PR 11.11.22		MTG 11.11.22 CK 11.18.22 (Supervisor Fees)	600.00
Total 511.131 · Supervisors Fee					<u>1,400.00</u>
511.310 · Engineering					
511.321 · Engineering - Roadways					
	10/31/2022	89582	Hole Montes	For Services Rendered From October 1, 2022 to October 31, 2022	630.00
Total 511.321 · Engineering - Roadways					<u>630.00</u>
511.310 · Engineering - Other					
	10/31/2022	89581	Hole Montes	For Services Rendered From October 1, 2022 to October 31, 2022	1,267.50
Total 511.310 · Engineering - Other					<u>1,267.50</u>
Total 511.310 · Engineering					<u>1,897.50</u>
511.311 · Management Fees					
	10/31/2022	2022-1647	Special District Services, Inc.	Management Fee Oct 2022	2,934.00
	11/30/2022	2022-1751	Special District Services, Inc.	Management Fee Nov 2022	2,934.00
Total 511.311 · Management Fees					<u>5,868.00</u>
511.315 · Legal Fees					
	10/31/2022	11108752	Gray Robinson	General Representation-Oct 2022	6,420.00
Total 511.315 · Legal Fees					<u>6,420.00</u>
511.441 · Travel & Per Diam					
	10/31/2022	2022-1647	Special District Services, Inc.	Travel Sept 2022	75.00
	11/30/2022	2022-1751	Special District Services, Inc.	Travel Oct 2022	138.75
Total 511.441 · Travel & Per Diam					<u>213.75</u>
511.450 · Insurance					
	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>
511.480 · Legal Advertisements					
	10/19/2022	0000252597	Tampa Bay Times	Notice of LO Mtg & Reg Board Mtg	818.00
	11/06/2022	0000256012	Tampa Bay Times	Overnight Parking and Parking Enforcement	519.00
Total 511.480 · Legal Advertisements					<u>1,337.00</u>
511.512 · Miscellaneous					
	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 Sept 2022	52.32
	11/17/2022	PR 11.11.22		MTG 11.11.22 CK 11.18.22 (Payroll Processing)	51.95
	11/30/2022	2022-1751	Special District Services, Inc.	Conference Calls Oct 2022	52.42

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

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
Total 511.512 · Miscellaneous					209.29
511.513 · Postage and Delivery					
	11/30/2022	2022-1751	Special District Services, Inc.	FedEx Oct 2022	40.24
	11/30/2022	2022-1751	Special District Services, Inc.	Postage Oct 2022	10.67
Total 511.513 · Postage and Delivery					<u>50.91</u>
511.514 · Office Supplies					
	10/31/2022	2022-1647	Special District Services, Inc.	Copier Sept 2022	4.50
	11/30/2022	2022-1751	Special District Services, Inc.	Copier Oct 2022	46.65
	11/30/2022	2022-1751	Special District Services, Inc.	Meeting Books Oct 2022	24.00
Total 511.514 · Office Supplies					<u>75.15</u>
511.540 · Dues, License & Subscriptions					
	10/03/2022	86733	Department of Economic Opportunity	Special District Fee FY 2022/2023	175.00
Total 511.540 · Dues, License & Subscriptions					<u>175.00</u>
511.748 · Document Storage					
	10/31/2022	2022-1647	Special District Services, Inc.	Document Storage Sept 2022	50.45
	11/30/2022	2022-1751	Special District Services, Inc.	Document Storage Oct 2022	26.65
Total 511.748 · Document Storage					<u>77.10</u>
511.750 · Website Management					
	10/31/2022	2022-1647	Special District Services, Inc.	Website Fee Oct 2022	166.66
	11/30/2022	2022-1751	Special District Services, Inc.	Website Fee Dec 2022	166.66
Total 511.750 · Website Management					<u>333.32</u>
511.882 · Common Area Maintenance					
	10/01/2022	2022-10-01	Little Harbor POA (Monthly)	Common Area Maintenance	23,333.33
	11/01/2022	2022-11-01	Little Harbor POA (Monthly)	Common Area Maintenance	23,333.33
Total 511.882 · Common Area Maintenance					<u>46,666.66</u>
516.030 · Seawall Repairs					
	10/27/2022	17298	Reuben/Clarson Consulting	Seawall Inspection & Reporting for South Side of Little Harbor East Marina	3,000.00
Total 516.030 · Seawall Repairs					<u>3,000.00</u>
516.055 · Roadway Maintenance					
	11/04/2022	7839	Pro Way Paving Systems LLC	Speed Bump Sign/Decorative Post One Way Sign/Pedestrian Crossing Sign	13,600.00
	11/18/2022	7859	Pro Way Paving Systems LLC	StripingInstall Non Woven Fabric/ Base	7,800.00
Total 516.055 · Roadway Maintenance					<u>21,400.00</u>
Total Expenditures					<u>101,300.78</u>

South Bay Community Development District
Balance Sheet
As of November 30, 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>
ASSETS							
Current Assets							
Checking/Savings							
Seacoast Bank	848,196.19	0.00	0.00	0.00	0.00	0.00	848,196.19
Total Checking/Savings	848,196.19	0.00	0.00	0.00	0.00	0.00	848,196.19
Total Current Assets	848,196.19	0.00	0.00	0.00	0.00	0.00	848,196.19
Other Assets							
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	8,792.59	0.00	0.00	0.00	0.00	8,792.59
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	119,715.37	0.00	0.00	0.00	119,715.37
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	157,654.70	0.00	0.00	0.00	157,654.70
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	8,792.59	8,792.59
Amount Available In DSF (2015)	0.00	0.00	0.00	0.00	0.00	1,561,611.16	1,561,611.16
Amount To Be Provided	0.00	0.00	0.00	0.00	0.00	21,814,596.25	21,814,596.25
Total Other Assets	5,000.00	8,792.59	1,561,611.16	0.00	38,943,449.00	23,385,000.00	63,903,852.75
TOTAL ASSETS	853,196.19	8,792.59	1,561,611.16	0.00	38,943,449.00	23,385,000.00	64,752,048.94

**South Bay Community Development District
Balance Sheet
As of November 30, 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>
LIABILITIES & EQUITY							
Liabilities							
Current Liabilities							
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	251,999.96	0.00	0.00	0.00	0.00	0.00	251,999.96
Total Accounts Payable	588,492.61	6,755,000.00	0.00	0.00	0.00	0.00	7,343,492.61
Total Current Liabilities	588,492.61	6,755,000.00	0.00	0.00	0.00	0.00	7,343,492.61
Long Term Liabilities							
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
Total Long Term Liabilities	0.00	0.00	0.00	0.00	0.00	23,385,000.00	23,385,000.00
Total Liabilities	588,492.61	6,755,000.00	0.00	0.00	0.00	23,385,000.00	30,728,492.61
Equity							
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	147,186.89	-6,746,219.89	1,627,786.47	0.00	-6,066,554.00	0.00	-11,037,800.53
Current Year Depreciation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Net Income	117,516.69	12.48	-66,175.31	0.00	0.00	0.00	51,353.86
Total Equity	264,703.58	-6,746,207.41	1,561,611.16	0.00	38,943,449.00	0.00	34,023,556.33
TOTAL LIABILITIES & EQUITY	853,196.19	8,792.59	1,561,611.16	0.00	38,943,449.00	23,385,000.00	64,752,048.94

MEMORANDUM

TO: Board of Directors
South Bay Community Development District (“**District**”)

FROM: David L. Smith

DATE: November 17, 2022, Client-Matter Number: 40242-2
Final Revision
December 5, 2022

SUBJECT: Seawall Assessment Determination

This provides the information to the Board for making its final determination of seawall maintenance and the related assessment allocation. The primary concept is that the District will provide the appropriate structural improvements (“**Seawall Repairs**”) for sections of seawall owned by the District. This would include any seawalls for which third party owners authorize Seawall Repairs by the District. All other third parties will be left with the obligation of Seawall Repairs they determine appropriate for their respective properties.

I. Varieties of Seawalls to be Repaired/Maintained

Based upon my review of the documentation, surveys and ownership of the various parcels of property, I believe we have the following four different seawall/retaining wall ownership situations. Hereinafter I will use the term Seawall to refer to both a seawall and/or a retaining wall:

1. Seawalls subject to the South Bay CDD Drainage and Retaining Wall Maintenance Easement, dated August 31, 2006 and recorded at Office Records Book 17074, Page 1376 (“**Seawall Maintenance Agreement**”).
2. Seawalls owned by the District including District ownership of significant uplands adjacent to the seawall.
3. Seawalls owned by the District without significant uplands owned by the District adjacent to the seawall.
4. Seawalls and attendant uplands owned by third parties, i.e. not the District.

The balance of this Memorandum discusses the allocation of Assessments for Seawall Repairs.

II. **Distinction Between Maintenance/Repair Obligations and Assessments/Seawall Maintenance Agreement**

There is a conceptual distinction between who is obligated to undertake the Seawall Repairs and who is assessed for those repairs. In some cases they may be the same. In others they may not.

That is, it may be that pursuant to the above-referenced Seawall Maintenance Agreement, the District has the obligation to repair and maintain the seawalls described therein, but a determination must be made whether such repairs are to be reimbursed by special assessments imposed on the contiguous upland property owner or whether it is a common amenity that would be spread over every property owner in the District. The argument for the special assessment of the adjacent property owner is that such owner is the primary beneficiary of the existence and function of the seawall and is consistent with the primary concept mentioned at the outset.

The argument for it being a District-wide common expense is that the basin is a common amenity requiring that the assessment be shared by every property owner in the District. It is unclear, however, how that particular basin would be distinguished from any other waterway within the District. That is, was the Antigua Cove basin for some reason seen as a common amenity whereas all of the other waterways were not? What is the basis for such a distinction?

III. **Seawalls Owned by the District with District Owning Significant Adjacent Uplands**

With respect to a seawall which is owned by the District along with the adjacent uplands, it would seem that would serve a purpose that is common to the District, such as the provision of a roadway, parking area, greenspace or the like on the upland. If in fact the upland provides a common amenity, the assessment would be assessed against all property owners in the District.

IV. **Seawall Owned by District with No Adjacent Upland Ownership**

In a situation where the seawall is owned by the District but the adjacent upland is not owned by the District, it would seem that such Seawall Repairs would be subject to a special assessment allocated to those who own the upland, if not in fact undertaken directly by the upland owner.

V. **Seawalls Owned by Third Parties**

The seawalls and attendant upland that are owned by private property owners, with no specific other contractual obligation for the District to maintain, should be maintained by those property owners at their sole expense. If so, and if the District were to undertake that maintenance and repair obligation by virtue of the failure of the adjacent upland owner to do so, it would be a special assessment against the upland property owners.

VI. **Seawall Access Maintenance and Easement Agreement.**

Attached is a copy of the Seawall Easement and Maintenance Agreement which is intended to provide the District the access to maintain any and all of the seawalls within the District for which it lacks the access to do so. Again, the assessments associated with such repairs so undertaken would be allocated as described in the preceding sections above.

VII. **Notice of Opportunity to Provide Additional Evidence/Argument.**

In order to make a final determination with respect to the Seawall Repairs and the allocation of the assessments therefor, the District is providing this summary to all of the relevant stakeholders in the District in order to make sure they have an opportunity to provide any additional information, analysis or argument for a different treatment of the Seawall Repairs.

The Board will make a determination in fiscal year 2022/2023 at properly noticed, publicly attended Board Meetings. As such, all property owners will have an opportunity to be heard and should take advantage of that opportunity, if in fact they want to be heard on the issue.

jsl

SEAWALL ASSESSMENT MEMO

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**

Date: 11/15/22
 Quote No: NP22116



7314 Nundy Ave
 Gibstonton, FL 33534
 P: 813.626.4444
 F: 813.627.8606

Attention: **Rick Brylanski**

Quote to: **Holemontes**
6200 Whiskey Creek Dr,
Fort Myers, FL 33919

Job Location: **Little Harbor Development**

Item	Description	Quantity	Unit	Unit Price	Amount
1	Install Concrete Sidewalk	642	SY	\$ 70.00	\$44,940.00
2	Pedestrian Road Crossings Improvements	1	LS	\$ 17,300.00	\$17,300.00
3	ADA Ramp	7	EA	\$ 5,000.00	\$35,000.00
4	Mobilization	1	LS	\$ 2,500.00	\$2,500.00
TOTAL					\$ 99,740.00

Client/ Owner Initials: _____

Thank you for your interest in Pro Way Paving, we look forward to providing you with the best service.

All Pricing includes project management & unsurpassed customer service to ensure a great experience for all parties involved.

SCOPE OF WORK:

Item 1: Install Concrete Sidewalk

Excavate as much dirt necessary to reach level. Compact base and place forms. Place wire mesh and pour 3000 PSI concrete. Expansion joints every 50', Broom finish. Allow concrete to cure for 48 hours.

Item 2: Pedestrian/Road Crossings

This item includes 6 Pedestrian signs and posts supplied and installed with frames to match all existing signage. Includes layout and striping of 4 new DOT approved crosswalks.

Includes supply and installation of 7 ADA Detectable warning mats.

Included 6" depth sidewalk across driveway to ensure the sidewalk can withstand vehicle traffic.

Item 3: Install ADA Ramps

Cut curbs 3' off of proposed ramp and excavate dirt/grass and haul offsite. Form ADA compliant ramp

to meet DOT standards. Form 3' curb transitions to meet existing. Wire mesh throughout.
Pour ramps with 3000psi concrete with broom finish. (7 total ramps)
Expansion joints where ramp meets sidewalk.

Terms & Conditions:

- 1 Unless "lump sum" or "LS" appears next to an item, it is understood & agreed the quantities referred to above are estimates only.
- 2 Pricing based on performing work during daytime hours.
- 3 Includes cleaning of existing surface free of dust & foreign material to ensure proper adhesion.
- 4 **12 month warranty due to excessive wear, on all work performed.**
- 5 Permits & fees are not included in this price. If requested, we can provide all necessary paperwork & add the total fees to final invoice.
- 6 This proposal may be withdrawn, if not accepted within 30 days.
- 7 If contracted amount exceeds \$10,000.00, a deposit of 25% of the project is required to schedule.

8 The client shall be responsible for repairing any private utility lines damaged by Pro Way during the duration of this project, which were unmarked, undocumented or non-conforming to code. Pro Way will repair utilities in which Pro Way damaged marked, conforming private utility lines.

9 This price is contingent upon the work-area being free of any obstructions (vehicles, dumpsters, etc.) at the scheduled start date. Pro Way reserves the right to adjust the agreed upon price, if job conditions prevent Pro Way associates from starting on time & proceeding without interruption.

10 It is understood & agreed that Pro Way is only responsible for cleaning up after Pro Way employees & not that of any other party.

Payment in full for all work performed during any month, shall be made no later than the tenth (10th) day of the month, next following. Final & complete payment for all work performed, hereunder shall be made no later than fifteen (15) days, after completion of such work. Interest at the highest rate allowable under laws of the state, in which the work is performed, or one & one half percent (1 1/2%) per month, whichever is less, shall be charged & paid on all unpaid balances from the due date to the date we receive payment. You agree to pay in full, all costs & expenses incurred by PROWAY PAVING SYSTEMS, LLC in collecting the amounts owed by you under the Agreement, including any & all court costs & attorney's fees.

*** Please sign & return estimate to begin scheduling ***

Total Contract Sum: \$ 99,740.00

(Client/ Owner Signature) (Date)

(Pro Way Signature) (Date)

(Print Name & Title)

(Print Name & Title)

Bahia Beach Blvd Sidewalk Extension Sketch

