

## DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT

### **LEE COUNTY**

REGULAR BOARD MEETING SEPTEMBER 11, 2023 11:30 A.M.

> Special District Services, Inc. 27499 Riverview Center Boulevard, #253 Bonita Springs, FL 33134

> > www.delwebboakcreekcdd.org

561.630.4922 Telephone 877.SDS.4922 Toll Free 561.630.4923 Facsimile

# AGENDA DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT

24311 Walden Center Drive, Suite 300 Bonita Springs, FL 34134

### REGULAR BOARD MEETING

September 11, 2023 11:30 A.M.

| A. | Call to Order   |
|----|---|
| В. | Proof of PublicationPage 1  |
| C. | Establish Quorum  |
| D. | Additions or Deletions to Agenda  |
| E. | Comments from the Public for Items Not on the Agenda  |
| F. | Approval of Minutes   |
|    | 1. July 10, 2023 Regular Board Meeting & Public Hearing   |
| G. | Old Business  |
| Н. | New Business  |
|    | 1. Consider Resolution No. 2023-10 – Adopting a Fiscal Year 2022/2023 Amended BudgetPage 6                |
|    | 2. Consider Approval of Corrective Warranty Deeds Related to Phase 1 StormwaterPage 11                    |
|    | 3. Discussion Regarding a CDD/HOA Maintenance Agreement   |
|    | 4. Discussion Regarding Catch and Release Fishing in the Surface Water Management Lakes                   |
|    | 5. Discussion Regarding Surface Water Management System Conversion to the Operation and Maintenance Phase |
| I. | Administrative Matters  |
| J. | Board Members Comments  |
| K. | Adjourn   |

## DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING.

The Board of Supervisors ("Board") for the Del Webb Oak Creek Community Development District ("District") will hold a Regular Board Meeting ("Meeting") on September 11, 2023, at 11:30 a.m. at the Offices of Pulte located at 24311 Walden Center Drive, Suite 300, Bonita Springs, Florida 34134 for the purpose of considering any business that may properly come before it. A copy of the agenda may be obtained at the offices of the District Manager located at 2501A Burns Road, Palm Beach Gardens, Florida 33410, Ph: (561) 630-4922 ("District Manager's Office"), during normal business hours.

The Meeting is open to the public and will be conducted in accordance with the provisions of Florida law. The Meeting may be continued to a date, time, and place to be specified on the record at the Meeting. There may be occasions when Board Supervisors or District staff may participate by speaker telephone.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the Meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

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

Michelle Krizen
District Manager

**DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRCIT** 

www.delwebboakcreekcdd.org

PUBLISH: FT. MYERS NEWS PRESS 09/01/23

# DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT PUBLIC HEARING & REGULAR BOARD MEETING JULY 10, 2023

#### A. CALL TO ORDER

The July 10, 2023, Regular Board Meeting of the Del Webb Oak Creek Community Development District (the "District") was called to order at 11:32 a.m. at 24311 Walden Center Drive, Suite 300, Bonita Springs, Florida 34134.

#### B. PROOF OF PUBLICATION

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in the *Fort Myers News-Press* on Jun 20, 2023, and June 27, 2023, as legally required.

#### C. ESTABLISH A QUORUM

A quorum was established with the following Supervisors in attendance:

| Chairman         | Scott Brooks     | Absent  |
|------------------|------------------|---------|
| Vice Chairperson | Laura Ray        | Present |
| Supervisor       | Naomi Robertson  | Present |
| Supervisor       | Patrick Butler   | Present |
| Supervisor       | Michael Hueniken | Absent  |

Staff present included:

| District Manager  | Michelle Krizen            | Special District Services, Inc. |
|-------------------|----------------------------|---------------------------------|
| District Counsel  | Alyssa Willson (via phone) | Kutak Rock                      |
| District Counsel  | Kate John (via phone)      | Kutak Rock                      |
| District Engineer | Carl Barraco               | Barraco and Associates, Inc.    |

#### D. ADDITIONS OR DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

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

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

#### F. APPROVAL OF MINUTES

#### 1. March 13, 2023, Regular Board Meeting

The minutes of the March 13, 2023, Regular Board Meeting were presented for consideration.

It was noted that Pat Burler was not present at the meeting and Item H4 had passed.

A **motion** was then made by Ms. Ray, seconded by Ms. Robertson and passed unanimously approving the minutes of the March 13, 2023, Regular Board Meeting, as amended.

The Regular Board Meeting was then recessed and the Public Hearing was opened.

#### G. PUBLIC HEARING

#### 1. Proof of Publication

Proof of publication was presented which showed that notice of the Public Hearing had been published in the *Fort Myers News-Press* on Jun 20, 2023, and June 27, 2023, as legally required.

#### 2. Receive Public Comment on Fiscal Year 2023/2024 Final Budget

There was no public comment on the Fiscal Year 2023/2024 Final Budget.

3. Consider Resolution No. 2023-07 – Adopting a Fiscal Year 2023/2024 Final Budget

Resolution No. 2023-07 was presented, entitled:

#### **RESOLUTION 2023-07**

THE ANNUAL APPROPRIATION RESOLUTION OF THE DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

The amended budget was 4% higher due to the methodology not including the 4% discount. This budget is consistent with the developers' fee sheet.

A **motion** was made by Ms. Ray, seconded by Ms. Robertson and passed unanimously adopting Resolution Nol. 2023-07, as presented.

4. Consider Resolution No. 2023-08 – Adopting a Fiscal Year 2023/2024 Annual Assessment

Resolution No. 2023-08 was presented, entitled:

#### **RESOLUTION 2023-08**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2023/2024; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENTS TO THE

## ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Willson requested confirmation that the letters to property owners were mailed out. Ms. Krizen confirmed they were mailed prior to the deadline.

A **motion** was made by Ms. Ray, seconded by Ms. Robertson and passed unanimously adopting Resolution No. 2023-08, as presented.

The Public Hearing was then closed and the Regular Board Meeting was reconvened.

#### H. OLD BUSINESS

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

#### I. NEW BUISNESS

1. Consider Resolution No. 2023-09 – Adopting a Fiscal Year 2023/2024 Meeting Schedule

Resolution No. 2023-09 was presented, entitled:

#### **RESOLUTION NO. 2023-09**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Ms. Ray, seconded by Ms. Robertson and passed unanimously adopting Resolution No. 2023-09, as presented.

#### 2. Consider Direct Collection of Special Assessments Agreement

It was noted that Phase 3 had not been platted.

A **motion** was made by Ms. Ray, seconded by Ms. Robertson and passed unanimously approving the Direct Collection of Special Assessments Agreement, as presented:

#### 3. Consider Agreement for Maintenance of Lakes

It was noted that L1 through L6 had been platted.

A **motion** was made by Ms. Ray, seconded by Ms. Robertson and passed unanimously approving the Agreement for Maintenance of Lakes, as presented.

#### 4. Consider Ratification of Requisition

A **motion** was made by Ms. Ray, seconded by Mr. Butler and passed unanimously ratifying the requisition for lakes and stormwater earthwork in the amount of \$5,030,791.30, as presented.

#### 5. Consider Catch and Release Fishing in the Surface Water Management Lakes

This item was tabled until the next meeting.

## 6. Discussion Regarding Surface Water Management System Conversion to the Operation and Maintenance Phase

Mr. Barraco provided an update, noting each phase could be completed individually and then as a whole. The Water Management District will make certifications on the developer, then the CDD will receive Operations and Maintenance. Additional updates will be provided as they become available.

#### J. ADMINISTRATIVE MATTERS

It was noted that the next meeting was scheduled for August 14, 2023.

#### 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 Ms. Ray, seconded by Mr. Butler and passed unanimously adjourning the Regular Board Meeting at 11:55 a.m.

| ATTESTED BY:                  |                        |
|-------------------------------|------------------------|
|                               |                        |
|                               |                        |
|                               |                        |
|                               |                        |
| Secretary/Assistant Secretary | Chairperson/Vice-Chair |

#### **RESOLUTION NO. 2023-10**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023 BUDGET ("AMENDED BUDGET"), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of Supervisors of the Del Webb Oak Creek 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 DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT, THAT:

**Section 1.** The Amended Budget for Fiscal Year 2022/2023 attached hereto as Exhibit "A" is hereby approved and adopted.

<u>Section 2</u>. 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 <u>11<sup>th</sup></u> day of <u>September</u>, 2023.

| ATTEST:                       | DEL WEBB OAK CREEK<br>COMMUNITY DEVELOPMENT DISTRICT |  |  |
|-------------------------------|--|--|--|
|                               |  |  |  |
| By:                           | By:  |  |  |
| Secretary/Assistant Secretary | Chairperson/Vice Chairperson                         |  |  |

## Del Webb Oak Creek Community Development District

Amended Final Budget For Fiscal Year 2022/2023 October 1, 2022 - September 30, 2023

## **CONTENTS**

- I AMENDED FINAL OPERATING FUND BUDGET
- II AMENDED FINAL DEBT SERVICE FUND BUDGET

#### AMENDED FINAL BUDGET

## DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2022/2023

OCTOBER 1, 2022 - SEPTEMBER 30, 2023

|                                      | FIS   | CAL YEAR     | AMENDED           | YEAR                                  |
|--------------------------------------|-------|--------------|-------------------|---------------------------------------|
|                                      | 20    | 022/2023     | FINAL             | TO DATE                               |
|                                      |       | UDGET        | BUDGET            | ACTUAL                                |
| REVENUES                             |       | 22 - 9/30/23 | 10/1/22 - 9/30/23 | 10/1/22 - 8/31/23                     |
| O&M Assessments                      | 10/1/ | 0            | 0                 |                                       |
| Developer Contribution               |       | 87,875       | 87,875            |                                       |
| Debt Assessments                     |       | 0            | 0.,5.0            | · · · · · · · · · · · · · · · · · · · |
| Interest Income                      |       | 0            | 350               | 313                                   |
| Total Revenues                       | \$    | 87,875       | \$ 88,225         | \$ 88,188                             |
| EXPENDITURES                         |       |              |                   |                                       |
| Administrative Expenditures          |       |              |                   |                                       |
| Supervisor Fees                      |       | 0            | 0                 | 0                                     |
| Engineering/Inspections              |       | 1,000        | 12,500            | 8,893                                 |
| Miscellaneous Maintenance            |       | 1,000        | 0                 | 0                                     |
| Management                           |       | 36,000       | 36,000            | 33,000                                |
| Legal                                |       | 30,000       | 30,000            | 17,345                                |
| Assessment Roll                      |       | 0            | 5,000             |                                       |
| Audit Fees                           |       | 0            | 3,200             | 3,200                                 |
| Arbitrage Rebate Fee                 |       | 0            | 0                 | 0                                     |
| Insurance                            |       | 6,000        | 5,000             | 5,000                                 |
| Legal Advertisements                 |       | 7,500        | 5,500             | 3,972                                 |
| Miscellaneous                        |       | 1,500        | 1,000             | 206                                   |
| Postage                              |       | 200          | 450               | 424                                   |
| Office Supplies                      |       | 1,500        | 800               | 640                                   |
| Dues & Subscriptions                 |       | 175          | 175               | 175                                   |
| Website Management & ADA Compliance  |       | 3,000        | 3,000             | 2,750                                 |
| Trustee Fees                         |       | 0            | 0                 | 0                                     |
| Continuing Disclosure Fee            |       | 0            | 0                 | 0                                     |
| Total Expenditures                   | \$    | 87,875       | \$ 102,625        | \$ 75,605                             |
| REVENUES LESS EXPENDITURES           | \$    | -            | \$ (14,400)       | \$ 12,583                             |
| Bond Payments                        |       | 0            | 0                 | 0                                     |
| BALANCE                              | \$    | -            | \$ (14,400)       | \$ 12,583                             |
| County Appraiser & Tax Collector Fee |       | 0            | 0                 | 0                                     |
| Discounts For Early Payments         |       | 0            | 0                 | 0                                     |
| EXCESS/ (SHORTFALL)                  | \$    | -            | \$ (14,400)       | \$ 12,583                             |
| Carryover From Prior Year            |       | 0            | 0                 | 0                                     |
| NET EXCESS/ (SHORTFALL)              | \$    | -            | \$ (14,400)       | \$ 12,583                             |

| Fund Balance As Of 9/30/2022    |
|---------------------------------|
| Projected FY 2022/2023 Activity |
| Fund Balance As Of 9/30/2023    |

| \$15,853   |
|------------|
| (\$14,400) |
| \$1,453    |

8/29/2023 4:11 PM Page 9

#### **AMENDED FINAL BUDGET**

# DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT DEBT SERVICE FUND - SERIES 2022 FISCAL YEAR 2022/2023 OCTOBER 1, 2022 - SEPTEMBER 30, 2023

| REVENUES                  | FISCAL YEAR 2022/2023 BUDGET 10/1/22 - 9/30/23 | AMENDED FINAL BUDGET 10/1/22 - 9/30/23 | YEAR TO DATE ACTUAL 10/1/22 - 8/31/23 |
|---------------------------|--|--|---------------------------------------|
| Interest Income           | 0  | 6,000                                  |                                       |
| NAV Assessment Collection | 0  | 0,000                                  | 0,000                                 |
| Bond Proceeds             | 0  | 504,872                                | 504,872                               |
| Total Revenues            | \$ -   | \$ 510,872                             | \$ 510,230                            |
| EXPENDITURES              |  |  |                                       |
| Principal Payments        | 0  | 0                                      | 0                                     |
| Interest Payments         | 0  | 93,003                                 | 93,003                                |
| Bond Redemption           | 0  | 0                                      | 0                                     |
| Total Expenditures        | \$ -   | \$ 93,003                              | \$ 93,003                             |
| Excess/ (Shortfall)       | \$ -   | \$ 417,869                             | \$ 417,227                            |

| FUND BALANCE AS OF 9/30/22 |
|----------------------------|
| FY 2022/2023 ACTIVITY      |
| FUND BALANCE AS OF 9/30/23 |

| \$0       |
|-----------|
| \$417,869 |
| \$417,869 |

#### Notes

Reserve Fund Balance = \$411,869\*. Revenue Account Balance = \$6,000\*

November 2023 Interest Payment For \$315,859 To Be Developer Funded.

Capital Projects Bond Proceeds = \$12,080,128. Total Bond Proceeds = \$12,585,000.

FY 2022/2023 Cost Of Issuance = \$452,875.

Fiscal Year 2022/2023 Capital Outlays = \$5,039,366 (As Of 8-31-23).

#### **Series 2023 Bond Information**

| Original Par Amount =      | \$12,585,000   | Annual Principal Payments Due: |
|----------------------------|----------------|--------------------------------|
| Interest Rate =            | 4.125% - 5.25% | May 1st                        |
| Issue Date =               | March 2023     | Annual Interest Payments Due:  |
| Maturity Date =            | May 2053       | November 1st                   |
|                            |                |                                |
| Par Amount As Of 9/30/23 = | \$12,585,000   |                                |

<sup>\*</sup> Approximate Amounts

Kevin C. Karnes, Lee County Clerk of Circuit Court INSTR. # 2022000385911, Doc Type D, Pages 4, Recorded 12/19/2022 at 2:35 PM, Deputy Clerk LHINSPETER ERECORD Rec Fees: \$35.50 Deed Doc: \$189,255.50

#### PREPARED BY:

Fox Rothschild LLP 33 South Sixth Street, Suite 3600 Minneapolis, MN 55402 Attn: David B. Galle

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

Fox Rothschild LLP 33 South Sixth Street, Suite 3600 Minneapolis, MN 55402 Attn: David B. Galle

#### SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, as of December 16, 2022, PULTE HOME COMPANY, LLC, a Michigan limited liability company (the "Grantor"), whose address is 1475 Centrepark Drive, Suite 140, West Palm Beach, FL 33401, hereby conveys to VPPH OAK CREEK LB LLC, a Delaware limited liability company (the "Grantee"), whose address is c/o Värde Partneres, Inc., 901 Marquette Ave. S., Suite 3300, Minneapolis, Minnesota 55402 that certain real property situated in the County of Lee, Florida, described as follows (the "Property").

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO: real property taxes and other assessments and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, any matter shown on the recorded plat referenced above, any lien, encumbrance or matter arising in connection with any action of the Grantee or its employees, contractors, agents, or representatives, any other matter not caused by the act or authorization of the Grantor, and any matter than would be disclosed by an inspection or accurate ALTA/NSPS survey of the Property.

TO HAVE AND TO HOLD the Property, with the appurtenances, to Grantee, its successors and assigns, in fee simple forever.

And the Grantor does specially warrant the title to said land subject to the matters referred to above and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

[SIGNATURE PAGE TO FOLLOW]

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INSTR. # 2022000385911 Page Number: 2 of 4

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be duly executed on this <u>7th</u> day of December, 2022.

| With  | GRANTOR:   |
|---|--|
| Witnesses:  | PULTE HOME COMPANY, LLC,   |
| Print Name: Ross Ripple   | By:  Name: D. Bryce Langen  Title: VP & Treasurer  |
| Print Name: Denver Susong   |  |
|   |  |
| STATE OF Georgia ) ss:  |  |
| COUNTY OF Cobb )  |  |
| □ online notarization, this <u>7th</u> day of <u>VP &amp; Treasurer</u> of <u>PULTE</u> HOM       | whedged before me by means of physical presence of December, 2022, by D. Bryce Langen, as ME COMPANY, LLC, a Michigan limited liability as [x] is physically known to me or [_] has produced from. |
|   | (Notary Signature)   |
| (NOTARY SEAL)   | T. Jessica Mask (Notary Name Printed)  |
|   | NOTARY PUBLIC  |
| T JESSICA MASK  Notary Public - State of Georgia  Cobb County  My Commission Expires Feb 21, 2026 | Commission No. N/A   |
| LECTION AS ALL AND AND ALL AND ALL AND                        |  |

(Signature Page to Special Warranty Deed)

#### Exhibit "A" to Special Warranty Deed

All of Del Webb Oak Creek, according to the map or plat thereof, as recorded in Official Records Instrument No. 2022000137258, of the Public Records of Lee County, Florida; LESS AND EXCEPT therefrom the following: Lot "A" and Lot "B", Lots 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 65, 66, 67, 68, 69, 70, 71, 72, 73, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 104, 105, 106, 112, 113, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 160, 161, 165, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 205, 211, 212, 213, 214, 216, 217, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234.

#### ALSO LESS AND EXCEPT the following described lands:

A tract or parcel of land being all of Lot 81 and a portion Lots 80, 82, Tract "AM" and Tract "L-9", of the record plat of "DEL WEBB OAK CREEK", recorded in Instrument No. 2022000137258, of the Public Records of Lee County, Florida, lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 82 run North 89°35'46" East along the Northerly line of Tract "R" of said record plat for 46.20 feet to the POINT OF BEGINNING. From said Point of Beginning run North 00°24'14" West for 132.13 feet to a point on a non-tangent curve; thence run Northeasterly along an arc of a curve to the left of radius 50.00 feet (delta 37°07'42") (chord bearing North 66°58'27" East) (chord 31.84 feet) for 32.40 feet to a point of tangency; thence run North 48°24'35" East for 34.19 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 50.00 feet (delta 48°45'48") (chord bearing North 24°01'42" East) (chord 41.28 feet) for 42.55 feet to a point of tangency; thence run North 00°21'12" West for 80.68 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the right of radius 10.00 feet (delta 90°00'25") (chord bearing North 44°39'00" East) (chord 14.14 feet) for 15.71 feet to a point of tangency; thence run North 89°39'13" East for 119.35 feet to a point of curvature; thence run Northeasterly along an arc of a curve to the left of radius 70.00 feet (delta 67°34'13") (chord bearing North 55°52'06" East) (chord 77.85 feet) for 82.55 feet to a point of reverse curvature; thence run Northeasterly along an arc of a curve to the right of radius 130.00 feet (delta 41°15'56") (chord bearing North 42°42'58" East) (chord 91.62 feet) for 93.63 feet to a point of compound curvature; thence run Easterly along an arc of a curve to the right of radius 366.00 feet (delta 43°22'21") (chord bearing North 85°02'06" East) (chord 270.49 feet) for 277.06 feet to a point of reverse curvature; thence run Easterly along an arc of a curve to the left of radius 50.00 feet (delta 39°13'30") (chord bearing North 87°06'32" East) (chord 33.57 feet) for 34.23 feet; thence run South 79°13'00" East along a non-tangent line for 155.44 feet to a point on a radial curve and intersection with the Westerly line of said Tract "R"; thence run along the Westerly and Northerly line of said Tract "R" the following six (6) courses: Southerly along an arc of a curve to the right of radius 1,170.00 feet (delta 12°58'25") (chord bearing \$17°16'13"W) (chord 264.36 feet) for 264.93 feet to a point of tangency; South 23°45'25" West for 62.18 feet to a point of curvature; Southwesterly along an arc of a curve to the right of radius 137.50 feet (delta 10°48'00") (chord bearing South 29°09'25" West) (chord 25.88 feet) for 25.92 feet to a point of tangency; South 34°33'25" West for 29.42 feet to a point of curvature; Southwesterly along an arc

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of a curve to the right of radius 100.00 feet (delta 55°02'20") (chord bearing South 62°04'35" West) (chord 92.41 feet) for 96.06 feet to a point of tangency and South 89°35'46" West for 567.36 feet to the POINT OF BEGINNING.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD1983) (NSRS 2011) and are based on Northerly line of said Tract "R" to bear North 89°35'46" East.

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G\SURVEYING\PLAT PH2\23668P01.DWG - FRI. 4-29-2022 - 9:09 AF THIS INSTRUMENT PREPARED BY: SCOTT A. WHEELER, P.S.M.

LANDS DESCRIBED IN THIS PLAT MAY BE

SUBDIVIDED BY THE DEVELOPER WITHOUT THE

COUNTY. ANY PURCHASER OF A LOT IN THIS

ROADS. DRAINAGE. WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE

SUBDIVISION IS ADVISED TO DETERMINE WHETHER

CALLED UPON TO BEAR A PORTION OR ALL OF THE

EXPENSE OF CONSTRUCTION, MAINTENANCE, OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED

LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS

THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS

THE LOT MAY BE SUBJECT TO ASSESSMENT OR

### Barraco and Associates, Inc.

AITO ASSOCIATES, THE.

CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
2271 McGREGOR BLVD, SUITE 100, P.O. DRAWER 2800,
FORT MYERS, FLORIDA 33902-2690
PHONE (239) 461-3170 - WWW BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7995- SURVEYING LE 9490

SEWER FACILITIES.

NOTICE:

NOTICE

### **DEL WEBB OAK CREEK PHASE 2**

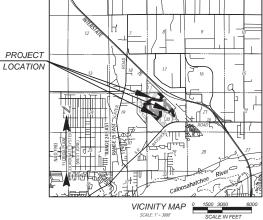
A REPLAT OF TRACTS "F-2", "F-4" AND "F-5", DEL WEBB OAK CREEK, (INSTRUMENT NO. 2022000137258, LEE COUNTY RECORDS)

#### A SUBDIVISION LYING IN SECTIONS 19 AND 20, **TOWNSHIP 43 SOUTH, RANGE 25 EAST,** LEE COUNTY, FLORIDA

#### NOTE (COVENANTS CONDITIONS RESTRICTIONS FASEMENTS)

THIS PLAT IS AFFECTED BY THE FOLLOWING.

INSTRUMENT No. 2021000265409. L.C.R. PEDESTRIAN ACCESS EASEMENT INOT-PLOTTABLET



#### DESCRIPTION

TRACTS "F-2", "F-4" and "F-5" of the record plat of DEL WEBB OAK CREEK recorded in Instrument Number 2022000137258 of the Public Records of Lee County, Florida.

APPROVALS

CECIL PENDERGRAS

DAVID I OVELAND DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY,

REVIEW BY THE DESIGNATED COUNTY P.S.M. DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF CHAPTER 177, PART LOF THE FLORIDA STATUTES.

CLERK OF COURT

MANAGER DEVELOPMENT SERVICES

#### SURVEYOR'S CERTIFICATE

HERRBY CERTIFY THAT THE ATTACHED PLAT OF DEL WEBB OAK CREEK PHASE 2, A REPLAT OF TRACTS F-2", "F-4" AND F-5", DEL WEBB OAK CREEK, RECORDED IN INSTRUMENT NO 20220037328, A SUBDIVISION LYING IN SECTIONS TO A BUD AZ TOUNING STOUTH, BANGE SEAST, LEE COUNTY, FLORDIA WAS PREMED LUIDER IN FUNCCION AND SEPREVISION AND CORPUES WITH ALL OF THE SUBDIVISION RECORDERESHYS OF CHAPTER IT? PART I, OF THE FLORIAN STATUTES.

SCOTT A. WHEELER (FOR THE FIRM-LB 6940) PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATE NO. 5949

BARRACO AND ASSOCIATES, INC. 2271 McGREGOR BLVD., SUITE 100, FORT MYERS, FLORIDA 33901 FLORIDA CERTIFICATE OF AUTHORIZATION - LB-6940

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF DEL WEBB OAK CREEK PHASE 2, A REPLAT OF TRACTS "F-2". "F-4" AND "F-5". DEL WEBB OAK CREEK. RECORDED IN INSTRUMENT NO 2022000137258, A SUBDIVISION LYING IN SECTIONS 19 AND 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT \_\_\_\_\_\_M., THIS \_\_\_\_\_ DAY OF

\_,2022 AND DULY RECORDED AS INSTRUMENT NUMBER

INSTRUMENT NUMBER

SHEET 1 OF 11

KNOW ALL MEN BY THESE PRESENTS THAT PULTE HOME COMPANY, LLC, A MICHIGAN LIMITED LIBBUTY COMPANY THE OWNER OF THE LIMIN HEREIN DESCRIBED MAS CAUSED THIS PLAT OF DELIVERS DAK CREEK PHASE 2, A REPLAT OF TRACTS F-2" F-4" AND F-5" DELIVERS DAK CREEK RECORDED IN INSTRUMENT AD AZZORADIZSAS A SERRIPASION LYWIG IN SECTIONS 19 AND 20, TOMICHIP AS SOUTH, RANCE 25 EAST, LEE COUNTY, FLORIDA, TO BE MADE, AND DOES HEREBY!

- 1. RESERVE TO PULTE HOME COMPANY, LLC:
- 2. DEDICATE TO THE DEL WEBB OAK CREEK HOMEOWNERS ASSOCIATION, WITH RESPONSIBILITY FOR MAINTENANCE:
- A) TRACTS 'R-1" THRU 'R-3" FOR PRIVATE ROAD RIGHT OF WAY, DRAINAGE EASEMENT (D.E). & PUBLIC UTILITY EASEMENT (P.U.E.). TRACTS "O-1" THRU "O-7" FOR OPEN SPACE AND A.E. (ACCESS EASEMENT).
- C) TRACT C'FOR CONSERVATION.

  D) ALL ACCESS EASEMENTS (A.E.), DRAINAGE EASEMENTS (D.E.), LAKE ACCESS EASEMENTS (L.A.E.) AND LAKE MAINTENANCE
- 3. DEDICATE TO THE FLORIDA GOVERNMENTAL UTILITY AUTHORITY (F.G.U.A.), WITH RESPONSIBILITY FOR MAINTENANCE:
- A) TRACT "U" FOR LIFT STATION PURPOSES.
- 4. DEDICATE TO FEDERAL STATE AND LOCAL GOVERNMENT AGENCIES AND DEPARTMENTS AND TO ALL PUBLIC UTILITIES AS DEFINED BY FLORIDA LWA AS MAY BE AMENDED FROM THE TO TIME, WHETHER PRIVILETY OR COVERNMENTALLY OWNED FOR USE AN PERFORMING AND DISCHARGING OF THER RESPONTED GEFORCIA DURIES AND OBLICATIONS TO PROVIDE UTILITY AND OTHER COVERNMENTAL SERVICES, INCLUDING INDRESS AND EGRESS BY POLICE, FIRE AND OTHER REPRESENTY SERVICES, SUBJECT TO THE REGIFT OF LEE COUNTY FLORICAL ISSUED ESCENSION AND ASSOCIATION, TO COUNTY FINE THE 7-2-25 FEET COUNTY FOR AUTOMISTO PROVIDE EVIDAGE METER CASTERIORY FOR THE PURPOSES OF PERFORMING AND DISCHARGING ITS DUTIES AND OBLICATIONS TO PROVIDE EVIDAGE METER DISTRIBUTION.
- A) A NON EXCLUSIVE, PERPETUAL PUBLIC UTILITY EASEMENT (P.U.E.) AND ACCESS EASEMENT OVER, UNDER AND ACROSS
- TRACTS "R-1" THRU "R-3".

  B) ALL PUBLIC UTILITY EASEMENTS (P.U.E) SHOWN ON PLAT.

THE THELL UTLITY CASSESSY DESCRIBED BY A NA BY ABOVE BUY ALS DE USED FOR THE CONSTRUCTION INSTALLATION, MANUFFRANCE AND MODIFICIARY OF MODEL PLASSONS SERVICES PROMITED FROMERS SOUL CONSTRUCTION RESILLATION, MANUFFRANCE AND OPERATION AS SHALL MOST INTEGER WITH THE FRACILIES AND SERVICES OF AN ELECTRIC TESTEMBLE GOOD, SO OTHER PREDIC UTLITY AND OS SHALL COMEY WITH THE MATIONAL ELECTRIC SERVEY COOK AS ADOOTED BY THE FLOODED PRINCE STRUCE COMMISSION, IN THE VERY A CARE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PRINCE UTILITY, THE CABLE ELEVISION COMPANY SHALL ES COLLY RESONGER FOR THE MANGES.

EASEMENTS COLLOCATED WITHIN PLATTED UTILITY EASEMENTS SHALL BE SUBORDINATE TO THE PUBLIC UTILITY EASEMEN.

- SOMMER DIES FARTHER HEGER GANT, COMPEY WIROOM, AND DEMOLITE TO THE FLORIDA CONFORMENTAL UTILITY AUTHORITY. A MONECLEDING MONESTIGNETO ESSANDI FOR DES AN POPULINGE MENSTANDITURI UTILITY SENSONES RELLUBING. THE PRIVALEE TO ENTIR HERWA SAD LANDS AND TO EXCLARETE AND TAKE MATERIALS FOR THE PRIPACES OF CONSTRUCTION, COPRATING AND MAINTAINNIC HUTILITY FACILITIES THEREOUN ADD THE MATERIALS FOR THE PRIPACES OF FRENCH HUTILITY FACILITY STREET, AND THE MATERIALS FOR THE PRIPACES OF THE STREET OF THESE STREET OF THE STREET OF THE STREET AND THE FACILITY SESSEMBLY. THE USE AND BENEFIT OF WHICH SHALL EXTROLOR DIMENT OF THE BENEFIT OF THE RESIDENTS AND THE FIGUR.
- DEDICATE TO ALL PROPERTY OWNERS, A PERPETUAL USE OF AND RIGHT OF INGRESS AND EGRESS OVER AND ACROSS TRACT "R-1" THRU "R-3", WITHOUT MAINTENANCE RESPONSIBILITY.
- 7. DEDICATE TO LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA (LEE COUNTY):
- A) THOSE NON EXCLUSING LEE COUNTY UTILITY EASEMENTS (L.C.U.E.) AS SHOWN AND/OR NOTED HERBIN FOR THE PURPOSES OF PERFORMING AND DISCHAGUING TIS DUTIES AND DELICATIONS TO PROVIDE POTABLE WATER DISTRIBUTION SERVICES BY LEE COUNTY DEMINIFICE PURPOSES, WITHOUT RESPONSIBILITY FOR MANTEMANCE.
- C) LEE COUNTY ACCESS EASEMENTS (L.C.A.E.) AS SHOWN HEREON FOR ACCESS PURPOSES, WITHOUT RESPONSIBILITY FOR MAINTENANCE

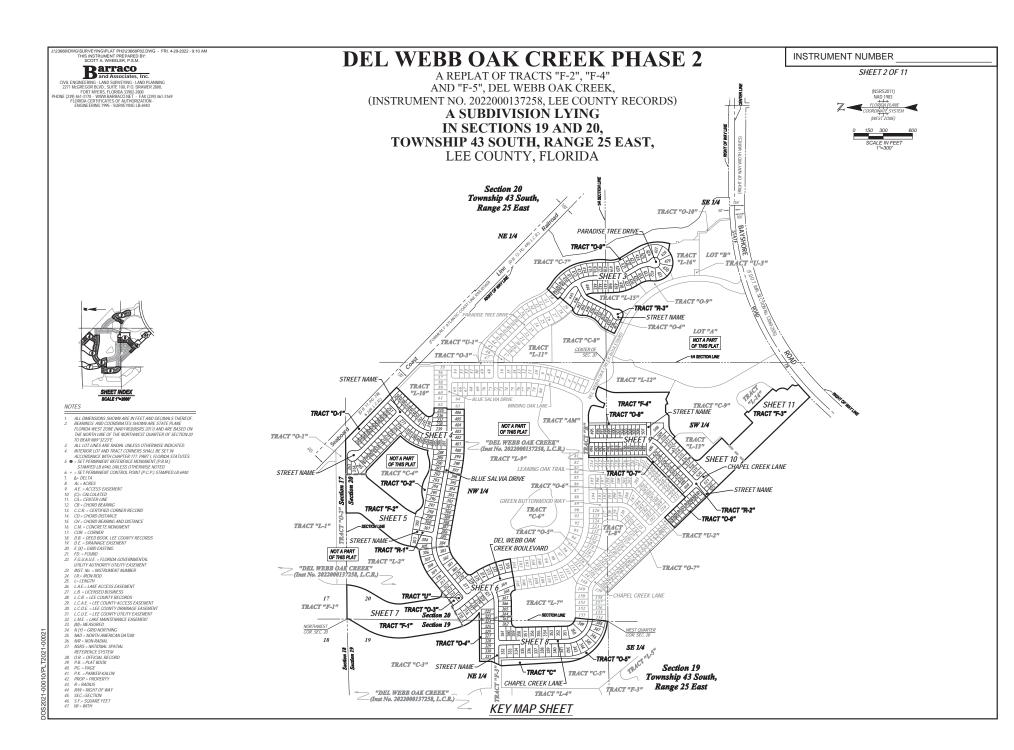
IN WITNESS WHEREOF, MIKE HUENIKEN, VICE PRESIDENT-LAND DEVELOPMENT, PULTE HOME COMPANY, LLC, ON BEHALF OF

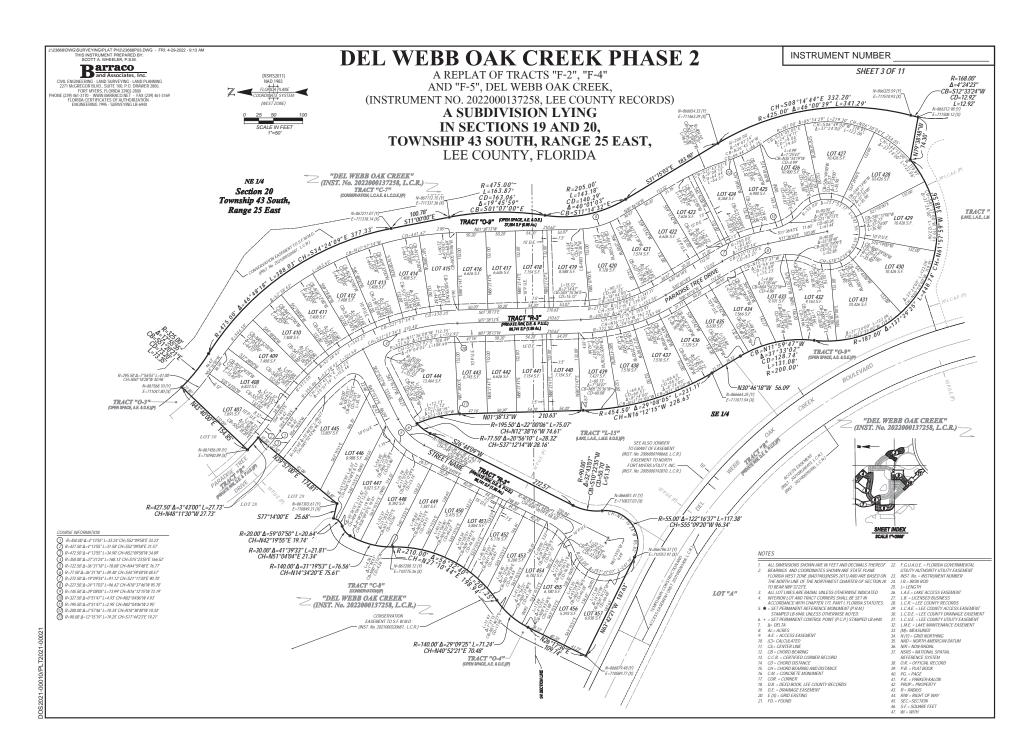
| WITNESS: PRINT NAME:  | PULTE HOME COMPANY, LLC<br>A MICHIGAN LIMITED LIABILITY COMPANY |
|---|---|
| WITNESS: PRINT NAME:  | BY: MIKE HUENIKEN VICE PRESIDENT-LAND DEVELOPMENT               |
| ACKNOWLEDGMENT  |   |
| ACKNOWLEDGMENT  |   |
| STATE OF  |   |
| COUNTY OF<br>THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE N | BY MIKE HUENIKEN, VICE PRESIDENT-LAND DEVELOPMENT, PULTE        |
| COUNTY OF   | BY MIKE HUENIKEN, VICE PRESIDENT-LAND DEVELOPMENT, PULTE        |
| COUNTY OF   | BY MIKE HUENIKEN, VICE PRESIDENT-LAND DEVELOPMENT, PULTE        |
| COUNTY OF   | BY MIKE HUENIKEN, VICE PRESIDENT-LAND DEVELOPMENT, PULTE        |

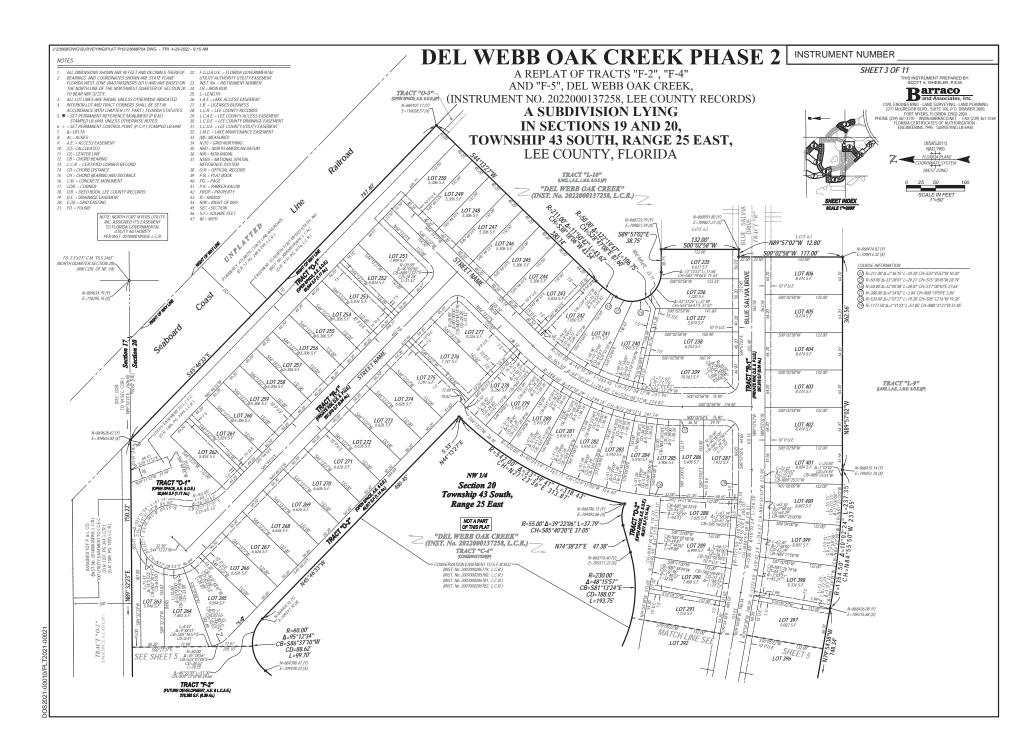
| ERK'S | CERTIFICATION |  |
|-------|---------------|--|
|       |               |  |

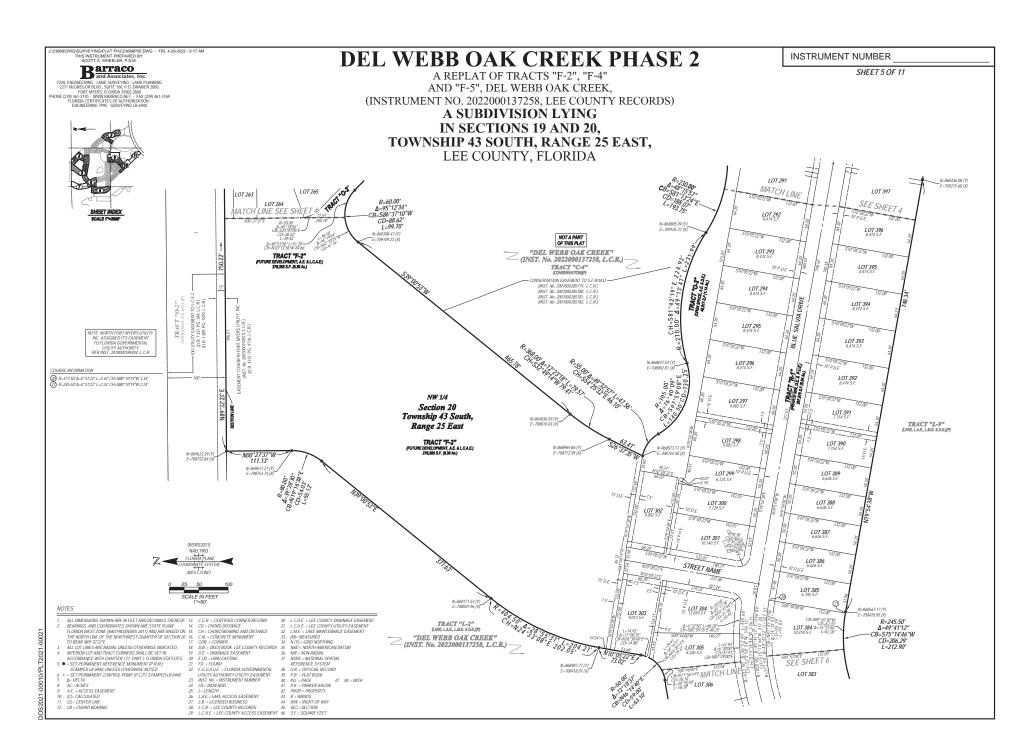
\_, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

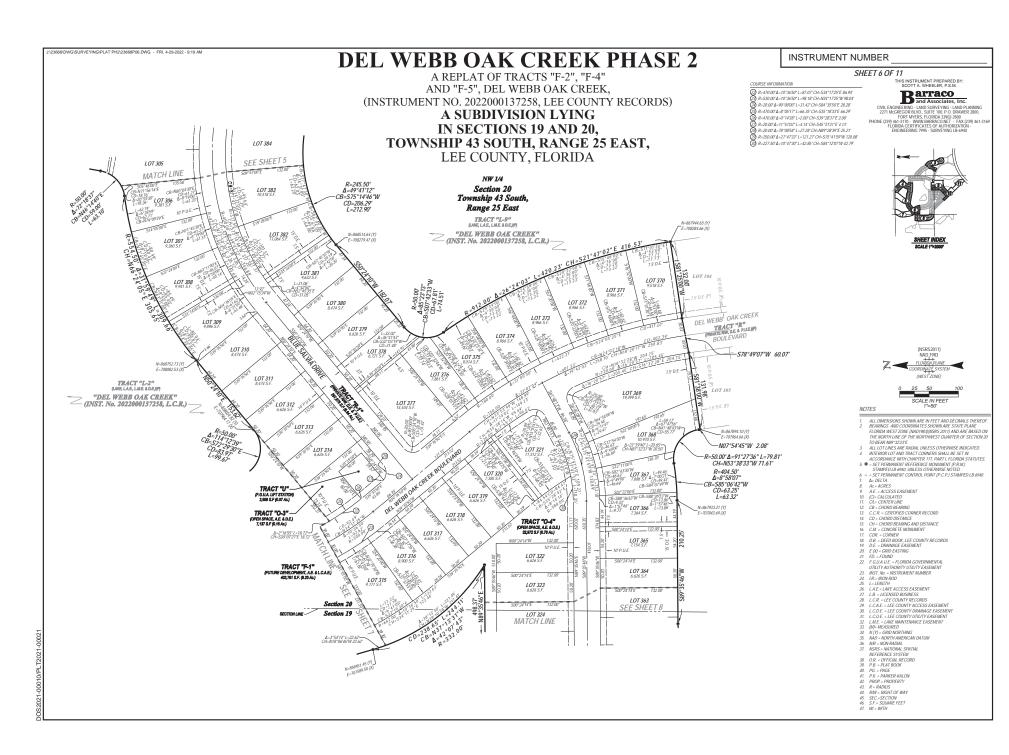
GARY W. RASHFORD, PSM LS6305

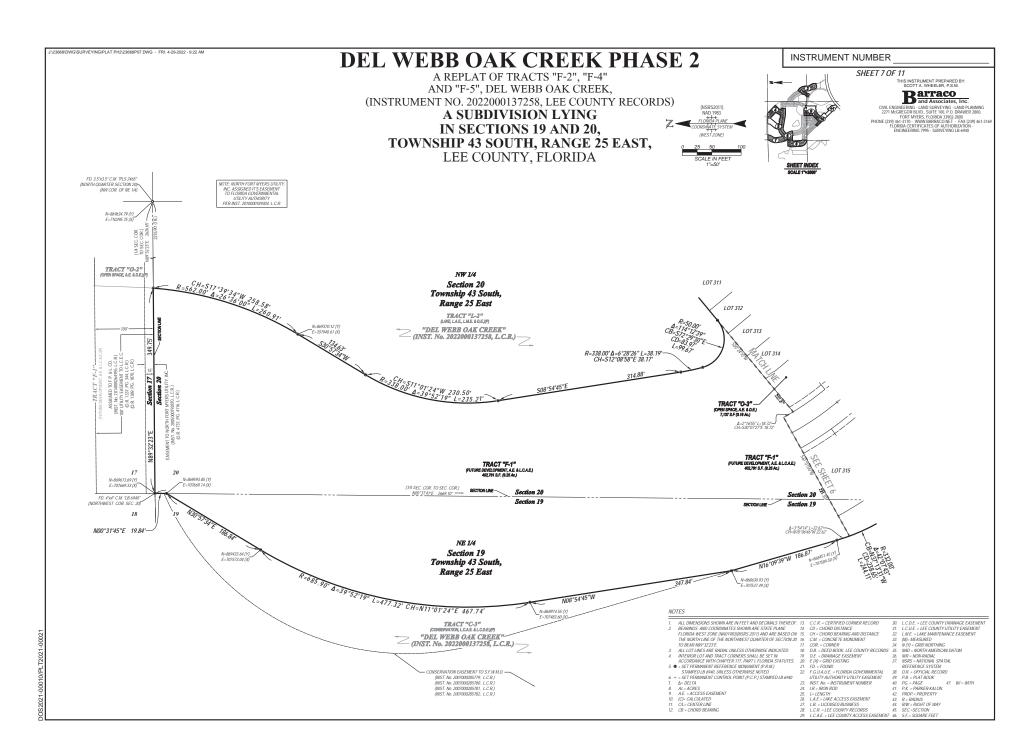


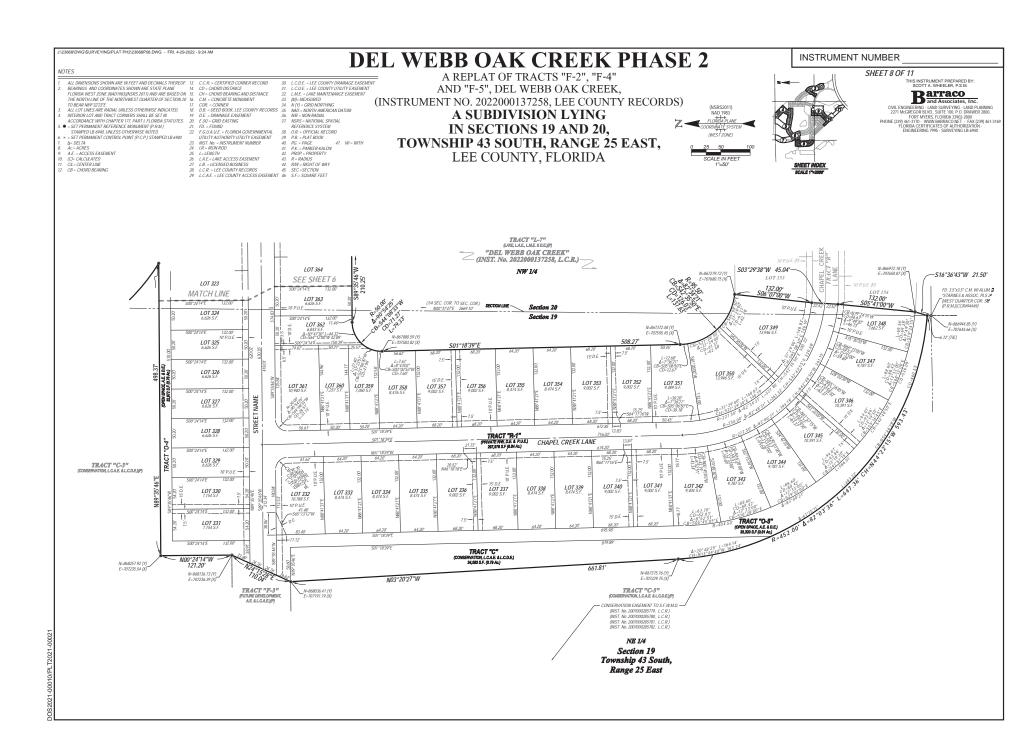


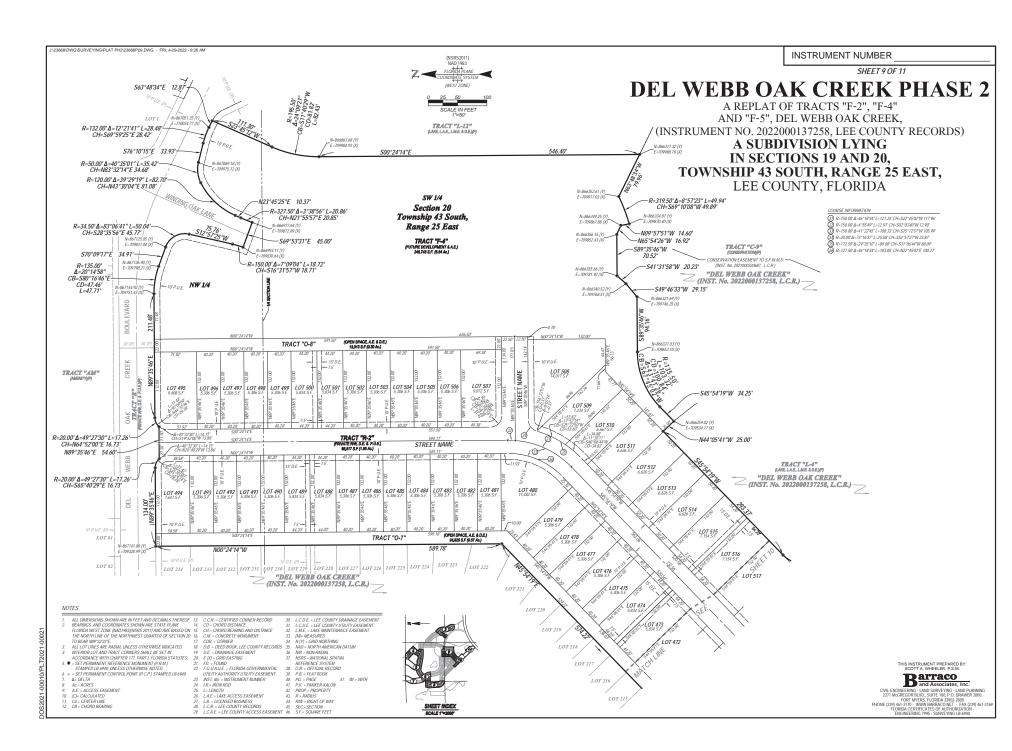


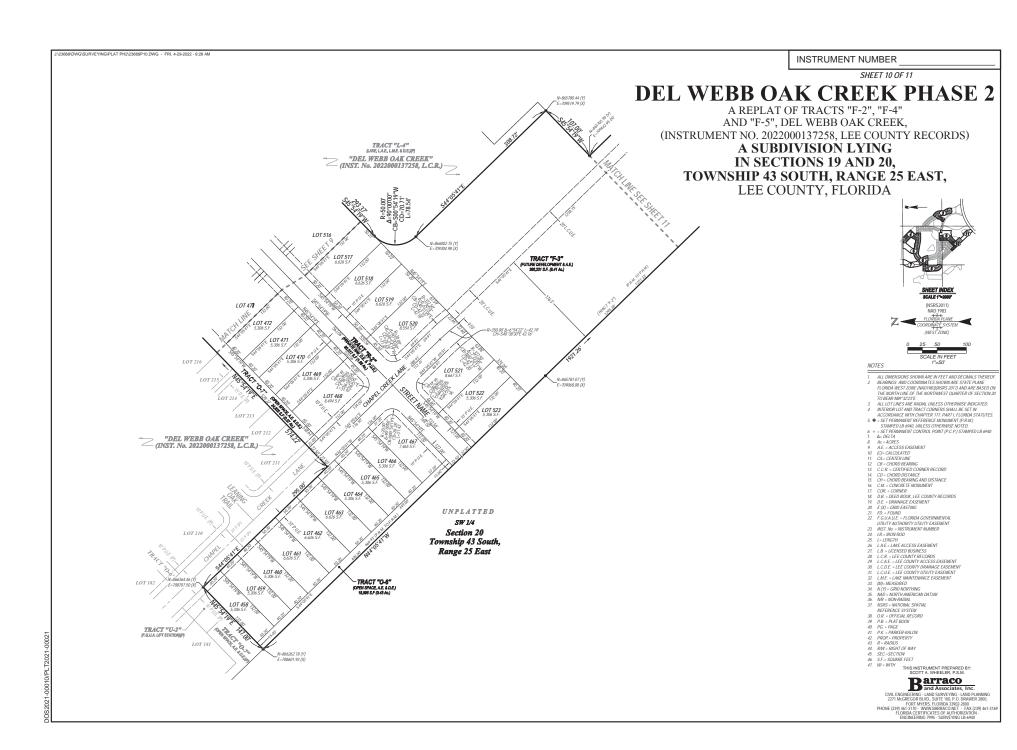


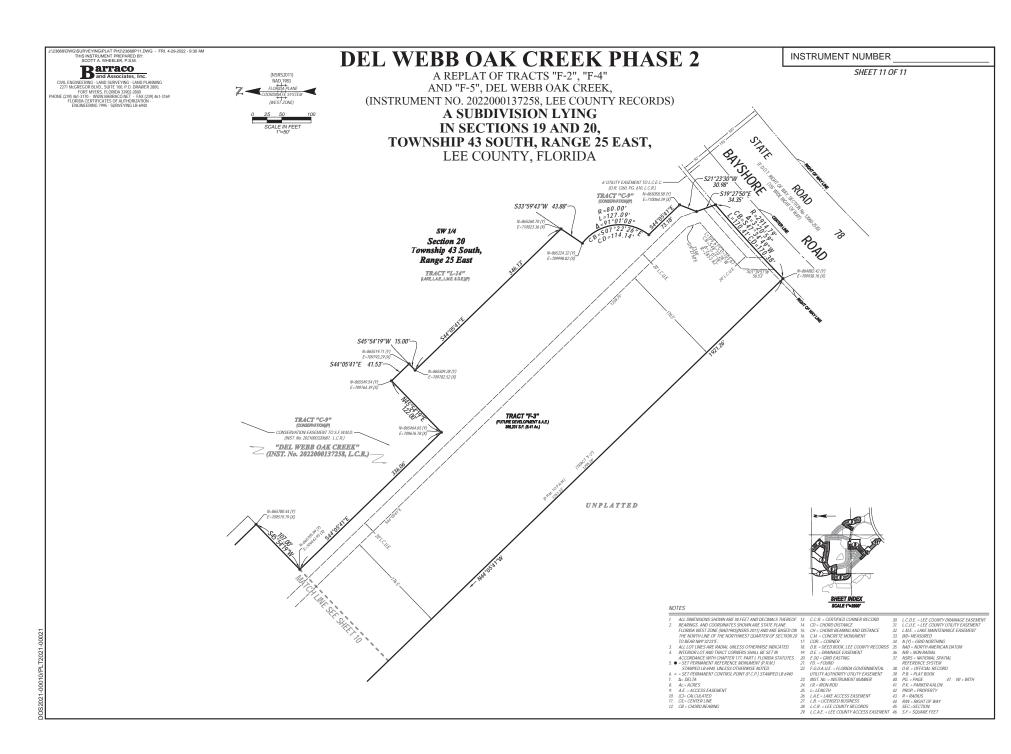












Kevin C. Karnes, Lee County Clerk of Circuit Court INSTR. # 2023000223709, Doc Type D, Pages 4, Recorded 6/28/2023 at 8:55 AM, Deputy Clerk WMILLER ERECORD Rec Fees: \$35.50 Deed Doc: \$0.70

PREPARED BY AND RETURN TO:

Alyssa Willson, Esquire KUTAK ROCK, LLP 107 West College Avenue Tallahassee, Florida 32301

#### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is executed as of this 20th day of June ,2023, by PULTE HOME COMPANY, LLC, a Michigan limited liability company, whose mailing address is 24311 Walden Center Drive, Suite 300, Bonita Springs, FL 34134 (hereinafter called the "Grantor"), in favor of DEL WEBB OAK CREEK COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government, whose mailing address is 2501A Burns Road, Palm Beach Gardens, Florida 33410 (hereinafter called the "Grantee").

[Wherever used herein, the terms "Grantor" and "Grantee" shall include the singular and plural, heirs, legal representatives, successors and assigns of individuals, and the successors and assigns of corporations, as the context requires.]

#### WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Lee County, Florida ("Property"):

See Exhibit "A" attached hereto and incorporated herein by this reference.

Together with the non-exclusive right and easement over the areas designated on the Plat as "(CDD) Lake Access Easement" and "(CDD) Lake Maintenance Easement" on the plat of Del Webb Oak Creek, A Subdivision Lying in Sections 17, 19, and 20, Township 43 South, Range 25 East, Lee County, Florida ("Plat") for the purposes stated on the Plat and purposes incidental thereto.

Subject to ad valorem real property taxes and non-ad valorem assessment for the year 2023 and subsequent years and to restrictions, covenants, conditions and easements of record; however, reference hereto shall not operate to reimpose same.

TO HAVE AND TO HOLD the Property, together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining unto Grantee, its successors and assigns, in fee simple forever, for the purposes set forth on the Plat. By acceptance hereof, Grantee acknowledges its responsibility for maintenance and operation of the Property.

Note to Recorder: This deed conveys unencumbered property to a local unit of special-purpose government for no taxable consideration. Accordingly, pursuant to Rule 12B-4.014, F.A.C., only minimal documentary stamp tax is being paid hereon.

4860-0484-7974.1

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

Grantor represents that Grantor has complied with the requirements of Section 196.295, Florida Statutes.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

[signature contained on following page]

| Signed, sealed and delivered in the presence of:                         | Pulte Home Company, LLC, a Michigan limited liability company   |
|--|---|
| Witnesses:   |   |
| Laura A. Ray   | By: <u>Valorie Robertson</u> Printed Name: Naomi Robertson Its: Vice President                            |
| Jagueline Krame<br>Name: Jacqueline Kram                                 | ner   |
| STATE OF FLORIDA COUNTY OF LEE  The foregoing instrument was ask         | knowledged before me by means of D physical presence  |
| or online notarization, this 2019 day or                                 | f <u>June</u> , 2023, by Naomi Robertson, as Vice, a Michigan limited liability company, on behalf of the |
| (SEAL)  LAURA A. F. MY COMMISSION # EXPIRES; July Bonded Thru Notary Pub | 13,2023   |
|  | Name of Notary Public<br>(Typed, Printed or Stamped)  |
|  | (1)pos, 1 miles of blampes)   |
|  |   |
| Personally Known OR Prod   | uced Identification   |

#### EXHIBIT A LEGAL DESCRIPTION

Tracts "L-1" through "L-16", inclusive, of the Del Webb Oak Creek, A Subdivision Lying in Sections 17, 19, and 20, Township 43 South, Range 25 East, Lee County, Florida, according to the plat thereof recorded as Instrument No. 2022000137258.



## STATE OF FLORIDA LEE COUNTY PROPERTY APPRAISER

MATTHEW H. CALDWELL

Mailing Address: P.O. Box 1546 Fort Myers, Florida 33902-1546 Telephone: (239) 533-6100 Physical Address: 2480 Thompson Street Fort Myers, Florida 33901-3074 Website: www.leepa.org



August 8, 2023

Kutak Rock LLP 107 W College Ave Tallahassee FL 32301

| Re: Instrument No.: 2023000223709   |
|---|
| To Whom it May Concern:   |
| Our office received a copy of the above-referenced document recorded with Lee County Clerk o Courts, however, we have <b>not updated ownership</b> on the following parcel(s) for the reason(s) specified below:          |
| Parcel(s): all listed on deed   |
| ☑ Our records indicate the grantor is not the owner of record.  |
| ☐ Legal description error.  |
| □ Other:  |
| We recommend that you contact a title company, attorney, or other professional if you need assistance in resolving the issue. Your circumstance may require recording a new deed, document, or some other type of action. |
| If you have any questions regarding this letter or need additional information, please contact our office at (239) 533-6100, email us at the address provided below, or visit our website at www.leepa.org.               |
| Respectfully,   |
| Parcel Records Department   |
| parcelrecords@leepa.org   |
|   |