
JPWard and Associates LLC

TOTAL Commitment to Excellence

Flow Way

Community Development District

Board of Supervisors

January 17, 2017



Visit our web site at: www.flowwaycdd.org

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FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

January 10, 2017

Board of Supervisors
Flow Way Community Development District

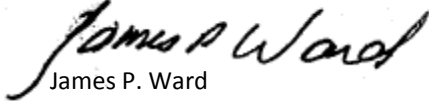
Dear Board Members:

The Regular Meeting of the Board of Supervisors of the Flow Way Community Development District will be held on **Tuesday, January 17, 2017 at 3:00 p.m.** at the **offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

1. Call to Order & Roll Call.
2. Consideration of Minutes
 - a) Regular Meeting – October 18, 2016
 - b) Landowner’s Meeting – November 8, 2016
 - c) Regular Meeting – November 8, 2016
 - d) Regular Meeting – November 22, 2016
3. Consideration of Utility Facilities for Parcel D-2
 - a) Acceptance of Utility Easement, Attorney’s Affidavit, Warranty Deed and Bill of Sale, from Taylor Morrison of Esplanade Naples, LLC to the District.
 - b) Issuance of Promissory Note from District to Taylor Morrison of Esplanade Naples, LLC.
 - c) Issuance of Warranty Deed, Bill of Sale, Owner’s Affidavit from District to Collier County and acceptance of Attorney’s affidavit from District Attorney.
4. Staff Reports
 - a) District Attorney
 - b) District Engineer
 - c) District Manager
5. Supervisor’s Requests and Audience Comments
6. Adjournment

The Agenda is standard in nature and I look forward to seeing you at the meeting, and if you have any questions and/or comments, please do not hesitate to contact me directly at (954) 658-4900.

Flow Way Community Development District



James P. Ward
District Manager
Enclosures

**MINUTES OF MEETING OF THE
FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**

Regular Meeting of the Board of Supervisors of Flow Way Community Development District was held **Tuesday, October 18, 2016, at 3:30 p.m.** at the **Offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

Present and constituting a quorum were:

Dave Truxton	Chairperson
Skip Adams	Assistant Secretary
Chris Niremberg	Assistant Secretary

Absent were:

Anthony Burdett	Assistant Secretary
Steve Reiter	Assistant Secretary

Also Present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 3:10 p.m., and roll call determined that all members of the Board were present with the exception of Supervisor Reiter and Supervisor Burdett.

2. Consideration of Minutes of the August 9, 2016 Meeting

Motion was made by Mr. Adams and seconded by Mr. Niremberg to approve the Minutes of the August 9, 2016 meeting, and, with all in favor, the motion was approved.

3. Consideration of Resolution 2017-1 re-designating the officers of the District.

Mr. Ward explained that with some of the additions they have had to the Board, the new resolution keeps the positions of current members the same and adds Mr. Niremberg as an Assistant Secretary.

Motion was made by Mr. Truxton and seconded by Mr. Adams to approve Resolution 2017-1 as described above, and, with all in favor, the motion was approved.

- 4. Consideration of Work Order – Waldrop Engineering to provide engineering report, attend meetings relative to the Series 2016 Capital Improvement Program.**

Mr. Ward informed the Board that this Work Order is for the engineering report for Phase 5 - 2016 Bonds.

Motion was made by Mr. Truxton and seconded by Mr. Adams to approve the Work Order as described above, and, with all in favor, the motion was approved.

- 5. Consideration of the proposal from U.S. Bank for trustee fees to the Series 2016 – Phase 5 Bonds.**

Mr. Ward explained that the document for consideration explained the fee structure for the Series 2016 – Phase 5 Bonds, and it was consistent with what is currently being paid for other bonds. He commented that these fees were slightly less than usual.

Motion was made by Mr. Truxton and seconded by Mr. Adams to approve the proposal from U.S. Bank as described above, and, with all in favor, the motion was approved.

- 6. Consideration of Resolution 2017-2 declaring special assessments; indicating the location, nature and estimated cost of those improvements which cost is to be defrayed in whole or in part by the special assessments, providing the portion of the estimated cost of the improvements to be defrayed in whole or in part by the special assessments; providing the manner in which such special assessments shall be made; providing when such special assessments shall be made; designating lands upon which the special assessments shall be levied; providing for an assessment plat; adopting a preliminary assessment roll; providing for a public hearing to consider the advisability and propriety of said assessments and the related improvement; providing for notice of said public hearing; providing for publication of this resolution; providing for conflicts; providing for severability; and providing an effective date.**

Mr. Ward explained that this document shows the location, nature, and the estimated cost of improvements, and it provides for the manner in which those assessments will be paid for by the District.

Mr. Ward indicated that there are essentially two documents attached to the resolution. He stated that the first is the engineers report for Phase 5 which identifies the infrastructure that the District will be either acquiring or constructing as a result of the issuance of the Phase 5 Bonds, the cost of that infrastructure, and the way in which that infrastructure shall be allocated to the different land use elements.

The second report is the special assessment methodology that Mr. Ward prepared for the Board. This is also consistent to what they have seen in the past and simply identifies how the assessment is levied on all of the properties that are affected by the Series 2016 - Phase 5 Bonds. In this particular report and in the engineers report, the only difference is that the District is in the process of annexing a piece of land into the project, so these reports include the funding necessary for the annexation piece. Once the Bonds are issued, a re-assessment of the lands for the portion of the District to which the annexation is related will occur. Mr. Ward reported that, at this point, there is approximately \$4.6 million in project costs, which relate to a bond issue of approximately \$5,570,000. He stated tis figure will change based upon the actual interest rates, the reserve account requirement, the amount of the cost of issuance and the capitalized interest that will be needed for this particular project. Mr. Ward noted that specifically with respect to the capitalized interest, this will only happen for one year. The properties in the Phase 5 area will be assessed beginning next November.

Mr. Ward called for questions. None was asked and there was no discussion.

Motion was made by Mr. Truxton and seconded by Mr. Adams to approve Resolution 2017-2 as described above, and, with all in favor, the motion was approved.

- 7. Consideration of Resolution 2017-3 setting a public hearing to be held on November 22, 2016, at 3:00 p.m. at the offices of Coleman, Yovanovich & Koester, 4001 Tamiami Trail North, Suite300, Naples, Florida 34103, for the purpose of hearing public comment on imposing special assessments on certain property within the District generally described as the Flow Way Community Development District in accordance with Chapters 170,190, and 197 Florida Statutes.**

Mr. Ward added that all property owners will be mailed notices 30 days in advance of the public hearing date.

Mr. Ward called for questions. None was asked and there was no discussion.

Motion was made by Mr. Truxton and seconded by Mr. Adams to approve the Resolution 2017-3 as described above, and, with all in favor, the motion was approved.

- 8. Consideration of Resolution 2017-4 of the Flow Way Community Development District authorizing the issuance, not to exceed \$12,000,000 aggregate principal amount, of its Flow Way Community Development District Special Assessment Bonds, Series 2016 (Phase 5 Project), in one or more series (The “Series 2016 Bonds”); determining certain details of the Series 2016 Bonds; approving the form of and authorizing the execution and delivery of a fourth supplemental trust indenture; authorizing the negotiated sale of the series 2016 bonds; appointing the underwriter; approving the form of and authorizing the execution and delivery of a bond purchase contract with respect to the Series 2016 Bonds and awarding the Series 2016 Bonds to the underwriter named therein, pursuant to the parameters set forth in this resolution; approving the form of and authorizing the distribution of the preliminary limited offering memorandum and its use by the underwriter in connection with the offering for sale of the Series 2016 Bonds and approving the execution and delivery of a final limited offering memorandum; authorizing the execution and delivery of a continuing disclosure agreement and the appointment of a dissemination agent, a true-up agreement, an acquisition agreement, assignment agreement, and a completion agreement; providing for the application of Series 2016 Bonds proceeds; authorizing the proper officials to do all things deemed necessary in connection with the issuance, sale and delivery of the Series 2016 Bonds; making certain declarations; appointing a trustee; providing for the registration of the bonds pursuant to the DTC Book-Entry System; providing an effective date and for other purposes.**

Mr. Ward introduced via telephone the bond counselor, Misty Taylor. Ms. Taylor explained to the Board that this resolution is an authorization/delegation resolution. She informed the Board that it accomplishes two things: authorizes the bonds to be issued and authorizes the sale of those bonds to FMS. Her office will make all of the necessary negotiated sale findings in the resolution, authorize all of the forms of the documents that are needed to move forward for the bond closing, which is a four supplemental trust indenture, a bond purchase contract, a preliminary limited offering memorandum, the continuing disclosure agreement, the true up agreement, the acquisition agreement, the assignment agreement and the completion agreement, and all developer district agreements.

Ms. Taylor reported that they approve the forms of those documents; they believe them to be substantially final. However, she said that in any deal like this, with so many moving parts, there are changes to be made to perfect it. The delegation part of the resolution basically delegates to the Chair or Vice Chair authority to execute these documents and by executing them they approve any future changes. She states that it also authorizes the Chair to enter into that bond purchase contract subject to the parameters that are spelled out in the resolution. She expressed that those parameters are that the bonds will not exceed a par amount of \$12 million, the bonds will not exceed the maximum interest rate allowed by Florida law, and the price parameter of

not less than 97.5, final maturity not later than 2049, final call date of November 1, 2030. If these parameters are met, the Chair is authorized to execute the purchase contract.

Ms. Taylor informed the Board that normally they would deem bonds bank qualified, but in this circumstance, they delegate to the Chair the ability to deem the bonds bank qualified, which gives a preferential rate to certain types of institutions that may purchase and hold the bonds. She stated that they have provided an indenture that they can receive and issue bonds for construction proceeds on the annexed property and certain parameters must be met, including that the land is officially annexed and the assessments have been levied. She said this all must be done by December, 2017.

Ms. Taylor asked for questions from the Board. Mr. Truxton asked at what point would the interest begin to be paid. Ms. Taylor responded that interest would commence being paid on May 1, 2017, and that it would be fund with bond proceeds for the first and second interest payments. She advised that principal payments will not be made until the assessments have been procured and are ready for collection. Mr. Ward added that the simple answer is that they will capitalize interest for May 1st and November 1st of next year; then November of 2018 is when the assessments will first be paid. Ms. Taylor pointed out that if the annexation does not take place by this date, then those bonds would be taken away, and no interest would be due.

Motion was made by Mr. Adams and seconded by Mr. Neremberg to approve the Resolution 2017- 4 as described above, and, with all in favor, the motion was approved.

9. Staff Reports

a) District Attorney – Mr. Urbancic reminded the Board that the Boundary Amendment will go before the Board of County Commissioners on November 15. He told the Board that he has been informed that it will be on the Summary Agenda, so if they do not get pulled off by an objecting commissioner, consent should be given. Mr. Urbancic says that he will monitor that, but it looks good.

b) District Engineer – No report

c) District Manager - No report

10. Supervisor's Requests and Audience Comments

There were no comments by the Board and no audience present.

11. Adjournment

Motion was made by Mr. Adams and seconded by Mr. Truxton to adjourn the meeting, and, with all in favor, was approved.

The meeting was adjourned at 3:27 p.m.

James P. Ward Secretary

Dave Truxton, Chairman

**MINUTES OF THE LANDOWNERS' MEETING OF THE
FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**

The Landowners' Meeting of the Board of Supervisors of Flow Way Community Development District was held **Tuesday, November 8, 2016, at 3:00 p.m.** at the **Offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

Landowner's Present:

Anthony Burdett

Taylor Morrison of Esplanade, LLC

Also Present were:

James Ward
Greg Urbancic
Skip Adams
Chris Niremberg

District Manager
District Counsel
Member, Board of Supervisor's
Member, Board of Supervisor's

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 3:06 p.m.

2. Election of a Chairperson for the Purpose of Conducting the Landowner's Meeting.

Mr. Ward stated that there was one landowner present and welcomed Mr. Burdett to conduct the meeting, but also offered to conduct the meeting for him.

Mr. Burdett asked that Mr. Ward do so.

3. Election of Supervisors

- a. Determination of the Number of Voting Units Represented or Assigned by Proxy.

Mr. Ward said there was one proxy by Taylor Morrison of Esplanade, LLC, assigning 328 votes to Mr. Anthony Burdett.

- b. Nominations for Supervisors

Mr. Ward explained there were three positions available: Mr. Truxton’s, Mr. Adams’ and Mr. Niremberg’s, and he asked Mr. Burdett to nominate three individuals. Mr. Burdett nominated Mr. Truxton, Mr. Adams and Mr. Niremberg.

c. Casting of Ballots

Mr. Ward provided a ballot to Mr. Burdett and asked that he fill it out and stated that the two candidates receiving the highest number of votes would serve four-year terms and the one with the lesser number of votes would serve the two-year term.

d. Ballot Tabulations and Results

Mr. Ward announced that Mr. Truxton and Mr. Niremberg had received 328 votes and would be sworn in and serve four-year terms and Mr. Adams had received 327 votes and would be sworn in and serve a two year term.

There were no landowner questions or comments.

The meeting was adjourned at 3:10 p.m.

James P. Ward Secretary

Dave Truxton, Chairman

**MINUTES OF THE MEETING OF THE
FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of Flow Way Community Development District was held **Tuesday, November 8, 2016, at 3:00 p.m.** at the **Offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

Present and constituting a quorum were:

Anthony Burdett	Vice Chairman
Skip Adams	Assistant Secretary
Chris Niremberg	Assistant Secretary

Absent were:

Dave Truxton	Chairman
Steve Reiter	Assistant Secretary

Also Present were:

James Ward	District Manager
Greg Urbancic	District Counsel

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 3:10 p.m., and all members of the Board were present at roll call with the exception of Mr. Truxton and Mr. Ritter.

2. Administration of the Oath of Office for the newly elected Supervisors from the Landowners Meeting

Mr. Ward stated for the record he is a Notary for the State of Florida and authorized to administer the oath. He administered the oath to Mr. Chris Niremberg and Mr. Chesley (Skip) Adams. He instructed them to sign the oath of office and he will notarize the oath and make it a part of the official record and provided them with a Guide to the Sunshine Amendment and the Code of Ethics for Public Officers and Employees and Form 1, Statement of Financial Interests.

3. Consideration of Resolution 2017-5 Canvassing and Certifying the Results of the Landowners' Election of November 8, 2016

Mr. Ward said that in Section 1 Mr. Truxton will fill Seat 3 with 328 votes, Mr. Adams will fill Seat 4 with 327 votes, Mr. Niremberg will fill Seat 5 with 328 votes. He stated that Mr. Truxton and Mr. Niremberg will serve four-year terms and Mr. Adams will serve a two-year term. With those changes, the resolution was in order and recommended for consideration.

Motion was made by Mr. Burdett and seconded by Mr. Niremberg to approve Resolution 2017-5 as described above, and with all in favor, the motion was approved.

4. Consideration of Resolution 2017-6 Re-Designating the Officers of the Flow Way Community Development District

Mr. Ward stated that normally they would re-designate officers, but as the Board has remained the same as prior to the Landowners' Election, he suggested that they dispense with this item and leave the officers the same. All concurred.

5. Staff Reports

- a. District Attorney – No report.
- b. District Engineer – No report.
- c. District Manager – No report.

6. Supervisor's Requests and Audience Comments

Mr. Ward asked if there were questions from the Board. There were none and no members of the audience were present.

7. Adjournment

Motion was made by Mr. Burdett and seconded by Mr. Adams to adjourn the meeting, and with all in favor, the motion was approved.

The meeting was adjourned at 3:15 p.m.

James P. Ward Secretary

Dave Truxton, Chairman

**MINUTES OF THE MEETING OF THE
FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**

Meeting of the Board of Supervisors of Flow Way Community Development District was held **Tuesday, November 22, 2016, at 3:00 p.m.** at the **Offices of Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103.**

Present and constituting a quorum were:

Dave Truxton	Chairman
Skip Adams	Assistant Secretary
Chris Niremberg	Assistant Secretary

Absent was:

Anthony Burdett	Vice Chairman
Steve Reiter	Assistant Secretary

Also Present were:

James Ward	District Manager
Greg Urbancic	District Counsel
David Williams	District Engineer

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 3:00 p.m.

2. Oath of Office

Mr. Ward stated he had previously sworn in Mr. David Truxton and made the oath of office a part of the record.

3. Consideration of Resolution 2017-6 Re-designating the Officers of the District

Mr. Ward stated there was no change in the officers.

Motion was made by Mr. Adams and seconded by Mr. Truxton to approve the Officers as described above, and with all in favor, the motion was approved.

4. Public Hearing:

a) Capital Improvement Program – Phase 5 – Series 2016

I. Public Comment and Testimony

Motion was made by Mr. Truxton and seconded by Mr. Adams to open the public hearing for the item described above, and, with all in favor, the motion was approved.

Mr. Ward stated that there were no members of the public present, and no written comments were received related to this public hearing.

Motion was made by Mr. Truxton and seconded by Mr. Adams to close the public hearing, and with all in favor, the motion was approved.

II. Board of Supervisor's Comments

Mr. Ward asked for comments and questions from the Board and there were none.

III. Consideration of Resolution 2016-7

Mr. Ward stated that this Resolution authorized the construction projects and/or acquisition of the Series 2016 Phase Bonds, and equalized, approved, confirmed and levied the special assessments for the district. He stated that the only change was the final special assessment report; it now tied out to the par amount of bonds that had been anticipated for the project and levied the assessment at the rates that were enumerated in the report, which were slightly lower than the original preliminary methodology that were noticed to all property owners.

Mr. Ward called for questions on the resolution, and none were asked.

Motion was made by Mr. Adams and seconded by Mr. Niremberg to approve Resolution 2016-7 as described above, and, with all in favor, the motion was approved.

5. Staff Reports

a) District Attorney

Mr. Urbancic stated that Collier County Ordinance 2016-35, which explained boundaries, became effective on November 17, 2016. He said a notice of establishment would be recorded because the boundaries have been amended.

Mr. Urbancic stated that in connection with the bond issuance, there would be various requisitions that would be funded. He said the first one was Requisition 2 which recognized that a promissory note was issued which mandated if and when bonds were issued relating to those improvements, the amount would be paid. He said, therefore, that requisition would be paid.

He explained that Requisition 3 was for Storm Water Management Improvements, which were primarily for blasting and excavation expenses, and needed authorization. He explained that there was a bill of sale, owner's affidavit, and a drainage easement which gave property rights.

Motion was made by Mr. Adams and seconded by Mr. Nirenberg to approve Requisition 3 and authorize the Chair to sign the documents on behalf of the CDD. With all in favor, the motion was approved.

- b) District Engineer – No report.
- c) District Manager – No report.

6. Supervisors' Requests and Audience Comments

Mr. Ward called for comments, and it was clarified that Requisition 2 had been sent out by the previous Board, and Requisition 1 was the Cost of Issuance related to the issuance of the bonds.

Mr. Ward stated there were no members of the audience present.

7. Adjournment

Motion was made by Mr. Adams and seconded by Mr. Nirenberg to adjourn the meeting, and with all in favor, the motion was approved.

The meeting was adjourned at 3:09 p.m.

James P. Ward Secretary

Dave Truxton, Chairman

DEED OF UTILITY EASEMENT
(Taylor Morrison Esplanade Naples, LLC to Flow Way CDD)
(Parcel D2)

THIS UTILITY EASEMENT (UE), is granted and conveyed as of this ____ day of _____, 201____, by **TAYLOR MORRISON ESPLANADE NAPLES, LLC**, a Florida limited liability company, as Grantor, to **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes, as Grantee.

WITNESSETH: That Grantor for and in consideration of the sum of ten dollars (\$10.00) and other valuable consideration paid by Grantee, receipt of which by is hereby acknowledged by Grantor, hereby conveys, grants, bargains and sells unto Grantee, its successors and assigns, a perpetual, non-exclusive easement, license, right and privilege to enter upon and to install, relocate, repair and/or otherwise maintain utility system(s) and utility facilities, and/or portion(s) thereof, in, on, over and under the following described lands located in Collier County, Florida, to wit:

Tract R, Esplanade Golf and Country Club of Naples, Blocks “D”, “F” and “H”, a subdivision according to the plat thereof recorded in Plat Book 59, Page 31, in the Public Records of Collier County, Florida.

TO HAVE AND TO HOLD the same unto Grantee, its successors and/or assigns, together with the right and privilege to enter upon said land to excavate, relocate and/or take and/or introduce materials for the purpose of constructing, operating, relocating, repairing and/or otherwise maintaining the subject utility facilities and/or system(s) or portion(s) thereof, in, on, over and/or under the easement area. Grantor and Grantee are used for singular or plural, as the context allows.

Signatures appear on the following page.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the date and year first above written.

TAYLOR MORRISON ESPLANADE NAPLES, LLC,
a Florida limited liability company

Witnesses:

By: TAYLOR MORRISON OF FLORIDA, INC.,
a Florida corporation, its Manager and Majority
Member

Signature
Printed Name: _____

By: _____

Name: _____

Signature
Printed Name: _____

Title: _____

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this _____ of _____, 201____, by _____, as _____ of Taylor Morrison of Florida, Inc., a Florida corporation, Manager and Majority Member of Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company, on behalf of the companies, who is () personally known to me or () has produced _____ as evidence of identification.

(SEAL)

NOTARY PUBLIC
Name: _____
(Type or Print)
My Commission Expires:

OWNER'S AFFIDAVIT
(Taylor Morrison Esplanade Naples, LLC to Flow Way CDD)
(Parcel D2)

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who to me is well known, and having been duly sworn and under oath, deposes and states:

1. My name is _____. I am over the age of twenty-one (21) years, am Sui Juris, and have personal knowledge of the facts asserted herein.
2. I am the _____ of **TAYLOR MORRISON OF FLORIDA, INC.**, a Florida corporation, the manager and majority member of **TAYLOR MORRISON ESPLANADE NAPLES, LLC**, a Florida limited liability company, the owner of that certain real property located within Collier County, Florida, and described on Exhibit "A".
3. All persons, firms, and corporations, including the general contractor, all laborers, subcontractors and sub-subcontractors, material men and suppliers who have furnished services, labor or materials according to plans and specifications, or extra items, used in the construction, installation and/or repair of potable water and wastewater utility system(s) or portion(s) thereof on the real estate hereinafter described, have been paid in full and that such work has been fully completed and unconditionally accepted by the current owner of such facilities.
4. No claims have been made to the owner, nor is any suit now pending on behalf of any contractor, subcontractor, sub-subcontractor, supplier, laborer or material-men, and no chattel mortgages or conditional bills of sale have been given or are now outstanding as to the subject utility system(s) or portion(s) thereof placed upon or installed in or on the aforesaid premises.
5. As and on behalf of the owner of the subject utility system(s) or portion(s) thereof, does for valuable consideration hereby agree and guarantee, to hold Flow Way Community Development District, a community development district established and existing pursuant to Chapter 190, Florida Statutes, harmless against any lien, claim or suit by any general contractor, subcontractor, sub-subcontractor, supplier, mechanic, material-man, or laborer, and against chattel mortgages, security interests or repair of the subject potable water and wastewater utility system(s) or portion(s) thereof by or on behalf of Owner. Affiant is used as singular or plural, as the context requires.
6. The potable water and wastewater utility system(s) or portion(s) thereof referred to herein are located within the real property described in the attached Exhibit "A".

Signatures appear on the following page.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this ____ day of _____, 201__.

Print Name: _____

SUBSCRIBED AND SWORN to before me this ____ day of _____, 201__, by _____, who is () personally known to me or () has produced _____ as evidence of identification

(SEAL)

NOTARY PUBLIC
Name: _____
(Type or Print)
My Commission Expires:

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

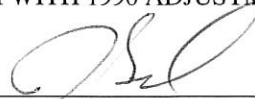
DESCRIPTION D2 PARCEL

A TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER LYING IN SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING A PORTION OF TRACT 'R' (SORRENO COURT), ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY AND FURTHER DESCRIBED AS FOLLOWS:

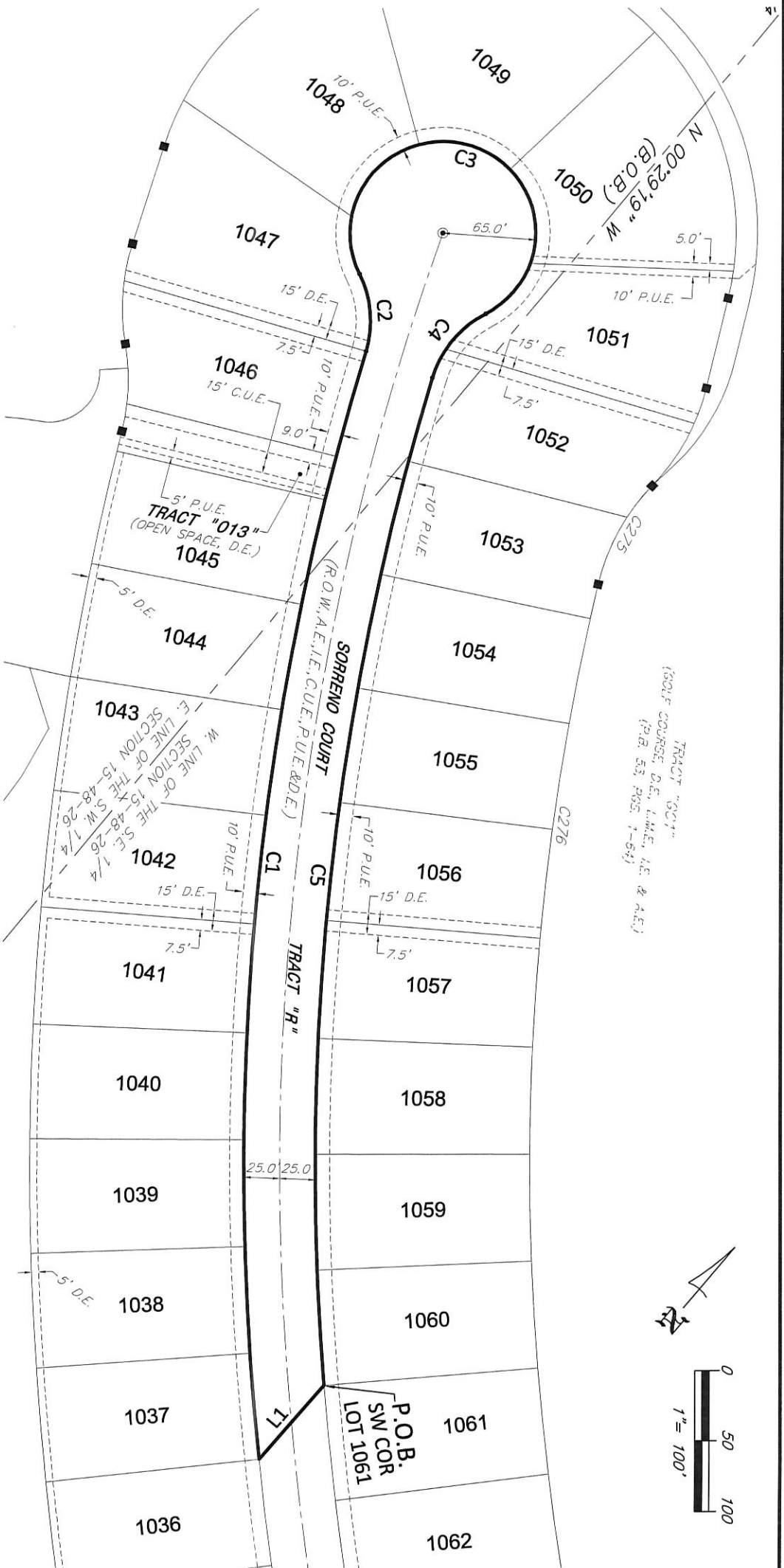
BEGIN AT THE SOUTHWEST CORNER OF LOT 1061, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY, FLORIDA; SOUTH 00°57'56" WEST, A DISTANCE OF 69.25 FEET TO A POINT ON A NON-TANGENTIAL CURVE AND TO AN INTERSECTION WITH THE WESTERLY BOUNDARY OF TRACT "R", SORRENO COURT (50' RIGHT OF WAY); THENCE ALONG THE BOUNDARY OF SAID TRACT "R", SORRENO COURT THE FOLLOWING FIVE (5) COURSES; COURSE ONE: NORTHWESTERLY, 794.51 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 22°28'48" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 34°41'43" WEST, 789.43 FEET TO A POINT OF REVERSE CURVATURE; COURSE TWO: THENCE NORTHWESTERLY, 56.37 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 43°03'44" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 44°59'11" WEST, 55.05 FEET TO A POINT OF REVERSE CURVATURE; COURSE THREE: THENCE EASTERLY, 304.94 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 65.00 FEET, THROUGH A CENTRAL ANGLE OF 268°47'44" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 67°52'49" EAST, 92.89 FEET TO A POINT OF REVERSE CURVATURE; COURSE FOUR: THENCE SOUTHERLY, 60.05 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 45°52'26" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 00°39'32" EAST, 58.46 FEET TO A POINT OF COMPOUND CURVATURE; COURSE FIVE: THENCE SOUTHEASTERLY, 722.72 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1,975.00 FEET, THROUGH A CENTRAL ANGLE OF 20°58'00" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 34°04'45" EAST, 718.70 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.223 ACRES OR 53,290 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY WITH THE STATE PLANE BEARING OF NORTH 00°29'19" WEST AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.



JOHN SCOTT RHODES, P.S.M., NO. LS5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA



LINE	BEARING	DISTANCE
L1	S00°57'56"W	69.25'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	2025.00'	22°28'48"	794.51'	789.43'	N34°41'43"W
C2	75.00'	43°03'44"	56.37'	55.05'	N44°59'11"W
C3	65.00'	268°47'44"	304.94'	92.89'	N67°52'49"E
C4	75.00'	45°52'26"	60.05'	58.46'	S00°39'32"E
C5	1975.00'	20°58'00"	722.72'	718.70'	S34°04'45"E

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "H" AND "I" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY WITH THE STATE PLANE BEARING OF NORTH 00°29'19" WEST AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

ABBREVIATIONS

- P.O.B. = POINT OF BEGINNING
- B.O.B. = BASIS OF BEARING
- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- L.B.# = LICENSED BUSINESS NUMBER
- C1 = CURVE NUMBER
- L1 = LINE NUMBER

NOT A SURVEY

BY: 
 JOHN SCOTT RHODES, PSM #5739

D2 SKETCH

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

date: NOVEMBER 22, 2016
 scale: 1"=100'
 cadd file: 2016-1077 SKETCH

28100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

view: SKETCH
 project#: 2012-93
 sheet #: 2 of 2
 file #: 2012-1077

PSM: JSR
 drawn: JSR
 checked: MMR
 record #: 2012-1077

Drafted by and return to:

Gregory L. Urbancic, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103

UTILITY FACILITIES WARRANTY DEED AND BILL OF SALE
(Taylor Morrison Esplanade Naples, LLC to Flow Way CDD)
(Parcel D2)

THIS INDENTURE made as of this ___day of _____, 201__, between **TAYLOR MORRISON ESPLANADE NAPLES, LLC**, a Florida limited liability company (hereinafter referred to as “Grantor”), and **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes (hereinafter referred to as “Grantee”).

W I T N E S S E T H:

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs, successors and assigns forever, all potable water and wastewater utility facilities and/or system(s) or portion(s) thereof lying in, on, over and under the following described land, for operation, relocation, installation, repair and/or maintenance of said facilities, system(s) or portion(s) thereof, all situate and lying and being in Collier County, Florida, to wit:

(See Exhibit “A” attached hereto and incorporated by reference herein.)

(Exhibit “B” attached hereto is a sketch or other graphic representation which depicts the physical location of the utility systems being conveyed.)

and said Grantor does hereby fully warrant the title to said utility facilities and/or system(s) or portion(s) thereof, be they realty, personalty, or mixed, and Grantor will defend such title against all claims of all persons whomsoever. For the purposes of this conveyance, the utility facilities, system(s) and/or portion(s) thereof conveyed herein shall not be deemed to convey any of the lands described in either exhibit. Grantor and Grantee are used for singular or plural, as context allows. A sketch or other graphic representation showing the location of the utility facilities, etc., being conveyed is attached as Exhibit B.

TO HAVE AND TO HOLD the same unto Grantee and its assigns, together with the right to enter upon said land, excavate, relocate and/or take or introduce materials for the purpose of constructing, relocating, operating, repairing and/or otherwise maintaining utility systems thereon. Grantor and Grantee are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the date and year first above written.

TAYLOR MORRISON ESPLANADE NAPLES, LLC,
a Florida limited liability company

Witnesses:

By: TAYLOR MORRISON OF FLORIDA, INC.,
a Florida corporation, its Manager and Majority
Member

Signature
Printed Name: _____

By: _____

Name: _____

Signature
Printed Name: _____

Title: _____

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this _____ of _____, 201__, by _____, as _____ of Taylor Morrison of Florida, Inc., a Florida corporation, Manager and Majority Member of Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company, on behalf of the companies, who is () personally known to me or () has produced _____ as evidence of identification.

(SEAL)

NOTARY PUBLIC
Name: _____
(Type or Print)
My Commission Expires:

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

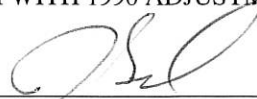
DESCRIPTION D2 PARCEL

A TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER LYING IN SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING A PORTION OF TRACT 'R' (SORRENO COURT), ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY AND FURTHER DESCRIBED AS FOLLOWS:

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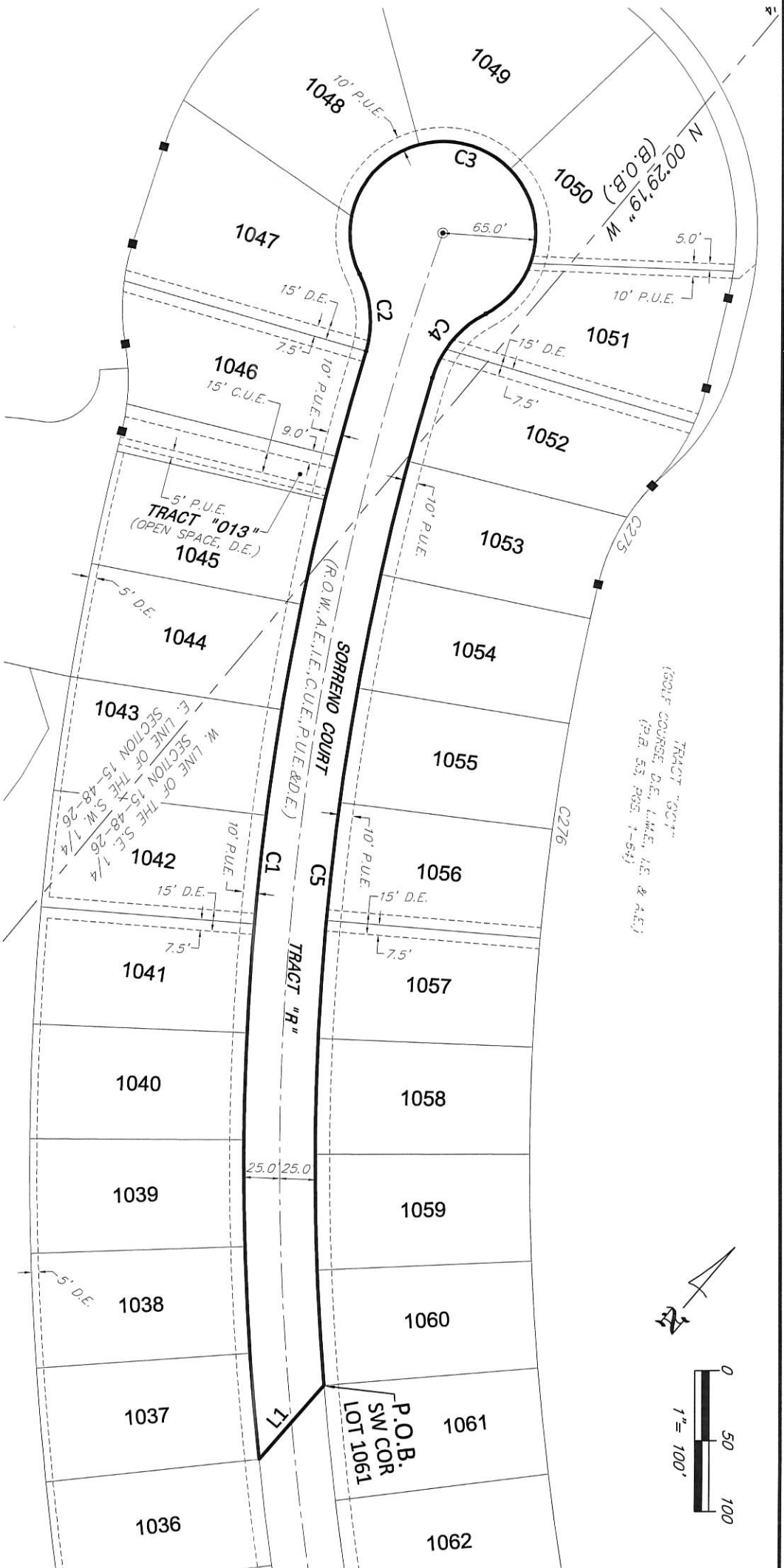
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JOHN SCOTT RHODES, P.S.M., NO. LS5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA

EXHIBIT "B"



LINE	BEARING	DISTANCE
L1	S00°57'56"W	69.25'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
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- L.B.# = LICENSED BUSINESS NUMBER
- C1 = CURVE NUMBER
- L1 = LINE NUMBER

NOT A SURVEY

BY: 
 JOHN SCOTT RHODES, PSM #5739

D2 SKETCH

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

date: NOVEMBER 22, 2016
 scale: 1"=100'
 cadd file: 2016-1077 SKETCH

28100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

view: SKETCH
 project#: 2012-93
 sheet #: 2 of 2
 file #: 2012-1077

PSM: JSR
 drawn: JSR
 checked: MMR
 record #: 2012-1077

PROMISSORY NOTE
(Parcel D2-Potable Water and Wastewater Facilities)

\$131,936.66

Collier County, Florida
Date: January ____, 2017

FOR VALUE RECEIVED, **FLOW WAY NAPLES COMMUNITY DEVELOPMENT DISTRICT**, a community development district established pursuant to Chapter 190, Florida Statutes (“**MAKER**”), promises to pay to the order of **TAYLOR MORRISON ESPLANADE NAPLES, LLC**, a Florida limited liability company (“**HOLDER**”) at 551 N. Cattlemen Rd., Suite 200, Sarasota, FL 34232 or at such place as HOLDER may from time to time designate in writing, the principal sum of: One Hundred Thirty-One Thousand Nine Hundred Thirty-Six and 66/100 DOLLARS (\$131,936.66) (the “**Principal Sum**”) in accordance with the terms and condition of this Promissory Note (this “**Note**”).

The Principal Sum of this Note shall not bear interest.

Payments under this Note shall be due and payable as follows:

This Note is made and shall be subject the terms and conditions of that certain Agreement Regarding the Acquisition of Certain Work Product, Infrastructure and Real Property by and between MAKER and HOLDER dated as of May 10, 2016 (the “**Acquisition Agreement**”). Further, this Note is issued pursuant to Section 6 of the Acquisition Agreement and in conjunction with the transfer and conveyance of the Parcel D2-Potable Water and Wastewater Facilities (the “**Improvements**”) to the District contemporaneously with this Note. Provided that (i) MAKER issues Special Assessment Bonds for Flow Way Community Development District (the “**District**”) payable solely from special assessments properly levied on real property in the District benefitted by the Improvements (“**Bonds**”), there are sufficient construction funds from said Bonds to pay for the Improvements, and the conditions under the applicable trust indenture have been met for disbursement of applicable construction funds ; (ii) the requirements of Section 6 of the Acquisition Agreement have been met; and (iii) HOLDER submits to MAKER a Requisition for payment of the Principal Sum representing the cost of Improvements, then MAKER shall within forty-five (45) days thereafter, pay the entire balance of the Principal Sum due under this Note. Notwithstanding the forgoing provision, in the event MAKER does not issue any applicable Bonds on or before five (5) years after the date of the Acquisition Agreement, then this Note shall be forgiven by HOLDER and cancelled and of no further force or effect.

This Note is a limited obligation of the District. The District is under no obligation to issue such Bonds at any time, and the Owner shall have no right to compel the District to issue such Bonds or to pay such principal from any other source of funds.

This Note can be prepaid at any time in whole or in part to HOLDER without penalty. All payments and prepayments shall be applied to the Principal Sum.

Prepayment shall not affect or vary the duty of MAKER to pay any obligation when due and the same shall not affect or impair the right of HOLDER to pursue all remedies available to it hereunder.

Notwithstanding anything contained herein to the contrary, HOLDER may not exercise any right or remedy provided for in this Note because of any default of MAKER, unless HOLDER shall have given written notice of the default to MAKER and MAKER shall have failed to pay the sum or sums due within a period of thirty (30) days after the date of such written notice. Failure of MAKER to cure a default within such cure period shall hereinafter be described as an “**Event of Default**”. Upon an Event of Default, the Principal Sum remaining unpaid, shall become immediately due and payable.

All communication required under or in connection with this Note shall be in writing, and shall be hand delivered, sent by commercial overnight courier, or sent by certified mail, postage prepaid, addressed to MAKER or HOLDER at the address either party may designate from time to time by written notice to the other party in the manner set forth herein.

Time is of the essence and in the event it is necessary to initiate collection of this Note or it is collected by law or through an attorney, or under advice therefrom, MAKER agrees to pay all costs of the collection and reasonable attorneys’ fees (including those attorneys’ fees that may be caused by appellate proceedings) that may be incurred in all matters of collections, enforcement, construction and interpretation hereunder.

The remedies of HOLDER, as provided herein, shall be cumulative and concurrent, and may be pursued singularly, successively or together, at the sole discretion of HOLDER, and may be exercised as often as occasion therefore arise. No act of omission or commission of HOLDER, including specifically any failure to exercise any right, remedy or recourse, shall be deemed to be a waiver or release of same, such waiver or release to be effected only through a written document, executed by HOLDER and then only to the extent specifically recited therein. A waiver or release with reference to any one event shall not be construed as continuing, as a bar to, or as a waiver or release of any subsequent event.

This Note is issued under and pursuant to the Constitution and laws of the State of Florida, particularly Chapter 190, Florida Statutes and other applicable provisions of law. This Note is issued with the intent that the laws of the State of Florida shall govern its construction.

THIS NOTE SHALL NOT BE DEEMED TO CONSTITUTE A GENERAL DEBT OR A PLEDGE OF THE FAITH AND CREDIT OF THE DISTRICT, OR A DEBT OR PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION THEREOF WITHIN THE MEANING OF ANY CONSTITUTIONAL, LEGISLATIVE OR CHARTER PROVISION OR LIMITATION, AND IT IS EXPRESSLY AGREED BY HOLDER THAT SUCH HOLDER SHALL NEVER HAVE THE RIGHT, DIRECTLY OR INDIRECTLY, TO REQUIRE OR COMPEL THE EXERCISE OF THE AD VALOREM TAXING POWER OF THE DISTRICT OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE OF FLORIDA OR TAXATION IN ANY FORM ON ANY REAL OR PERSONAL PROPERTY FOR THE PAYMENT OF THE PRINCIPAL ON THIS NOTE.

(Remainder of Page Intentionally Left Blank. Signature Appears on the Next Page.)

IN WITNESS WHEREOF, MAKER has caused this Promissory Note to be duly executed as of the day and year first above written.

MAKER:

**FLOW WAY COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:

James P. Ward, Secretary

By: _____
David Truxton, Chairman

Drafted by and return to:

Gregory L. Urbancic, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103

UTILITY FACILITIES WARRANTY DEED AND BILL OF SALE

(Flow Way CDD to Collier County)

(Parcel D2)

THIS INDENTURE made this ____ day of _____, 201__, between **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes (hereinafter referred to as “Grantor”), and **BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AS THE GOVERNING BODY OF COLLIER COUNTY, AND AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT**, its successors and/or assigns (hereinafter referred to as “Grantee”).

W I T N E S S E T H:

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs, successors and assigns forever, all potable water and wastewater utility facilities and/or system(s) or portion(s) thereof lying in, on, over and under the following described land, for operation, relocation, installation, repair and/or maintenance of said facilities, system(s) or portion(s) thereof, all situate and lying and being in Collier County, Florida, to wit:

(See Exhibit “A” attached hereto and incorporated by reference herein.)

(Exhibit “B” attached hereto is a sketch or other graphic representation which depicts the physical location of the utility systems being conveyed.)

and said Grantor does hereby fully warrant the title to said utility facilities and/or system(s) or portion(s) thereof, be they realty, personalty, or mixed, and Grantor will defend such title against all claims of all persons whomsoever. For the purposes of this conveyance, the utility facilities, system(s) and/or portion(s) thereof conveyed herein shall not be deemed to convey any of the lands described in either exhibit. Grantor and Grantee are used for singular or plural, as context allows. A sketch or other graphic representation showing the location of the utility facilities, etc., being conveyed is attached as Exhibit B.

TO HAVE AND TO HOLD the same unto Grantee and its assigns, together with the right to enter upon said land, excavate, relocate and/or take or introduce materials for the purpose of constructing, relocating, operating, repairing and/or otherwise maintaining utility systems thereon. Grantor and Grantee are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the date and year first above written.

Witnesses:

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT, a community development district established and existing pursuant to Chapter 190, Florida Statutes

Signature
Printed Name: _____

By: _____
David Truxton, Chairman

Signature
Printed Name: _____

STATE OF FLORIDA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, this _____ of _____ 201__, by David Truxton, as Chairman of Flow Way Community Development District, a community development district established and existing pursuant to Chapter 190, Florida Statutes, on behalf of the district, who is () personally known to me or () has produced _____ as evidence of identification.

(SEAL)

NOTARY PUBLIC
Name: _____
(Type or Print)
My Commission Expires:

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

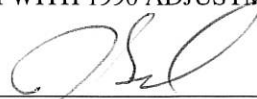
DESCRIPTION D2 PARCEL

A TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER LYING IN SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING A PORTION OF TRACT 'R' (SORRENO COURT), ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY AND FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 1061, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY, FLORIDA; SOUTH 00°57'56" WEST, A DISTANCE OF 69.25 FEET TO A POINT ON A NON-TANGENTIAL CURVE AND TO AN INTERSECTION WITH THE WESTERLY BOUNDARY OF TRACT "R", SORRENO COURT (50' RIGHT OF WAY); THENCE ALONG THE BOUNDARY OF SAID TRACT "R", SORRENO COURT THE FOLLOWING FIVE (5) COURSES; COURSE ONE: NORTHWESTERLY, 794.51 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 22°28'48" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 34°41'43" WEST, 789.43 FEET TO A POINT OF REVERSE CURVATURE; COURSE TWO: THENCE NORTHWESTERLY, 56.37 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 43°03'44" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 44°59'11" WEST, 55.05 FEET TO A POINT OF REVERSE CURVATURE; COURSE THREE: THENCE EASTERLY, 304.94 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 65.00 FEET, THROUGH A CENTRAL ANGLE OF 268°47'44" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 67°52'49" EAST, 92.89 FEET TO A POINT OF REVERSE CURVATURE; COURSE FOUR: THENCE SOUTHERLY, 60.05 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 45°52'26" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 00°39'32" EAST, 58.46 FEET TO A POINT OF COMPOUND CURVATURE; COURSE FIVE: THENCE SOUTHEASTERLY, 722.72 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1,975.00 FEET, THROUGH A CENTRAL ANGLE OF 20°58'00" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 34°04'45" EAST, 718.70 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.223 ACRES OR 53,290 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "F" AND "H", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY WITH THE STATE PLANE BEARING OF NORTH 00°29'19" WEST AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.

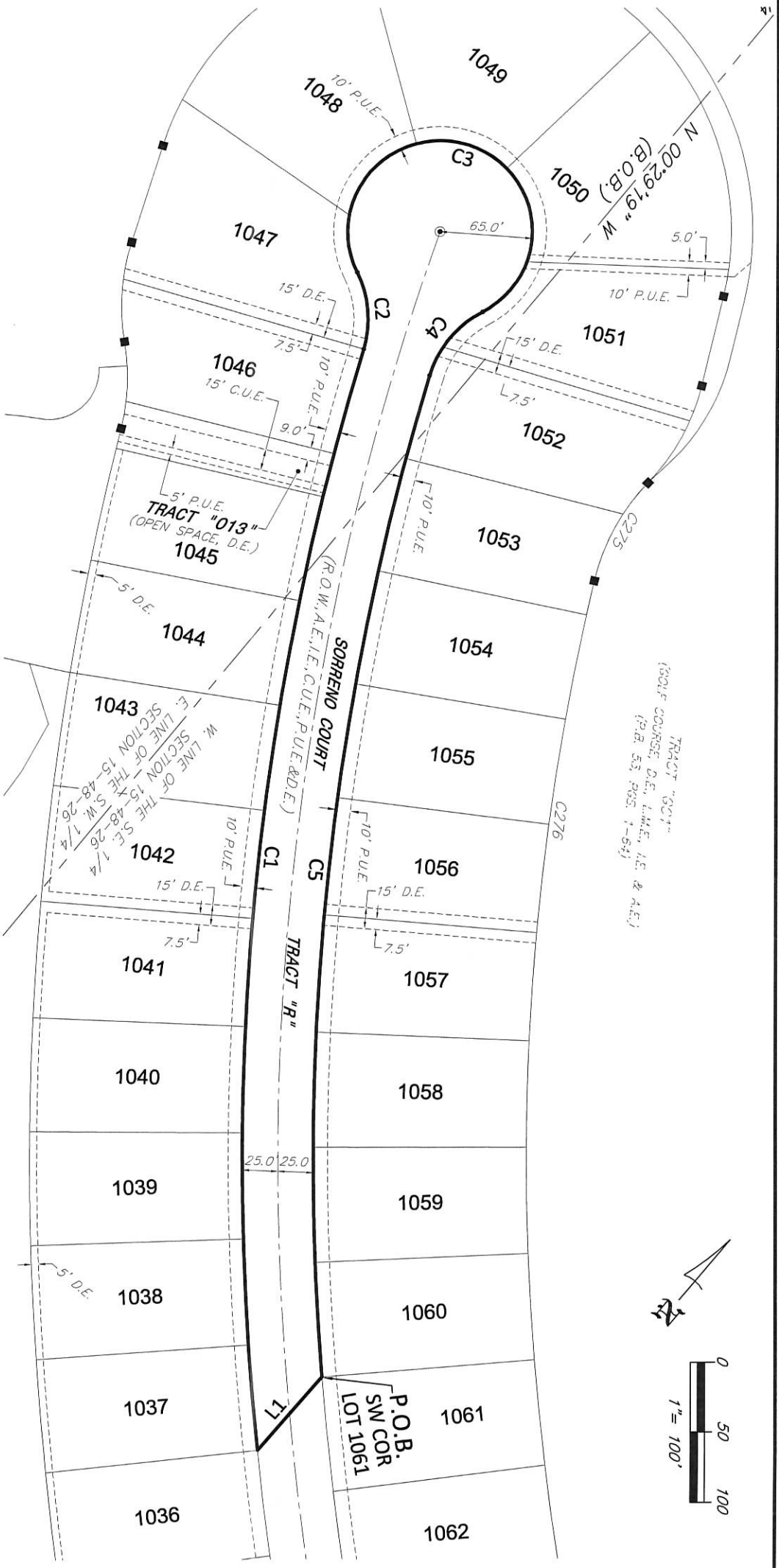


JOHN SCOTT RHODES, P.S.M., NO. LS5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA

EXHIBIT "B"

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	2025.00'	22°28'48"	794.51'	789.43'	N34°41'43"W
C2	75.00'	43°03'44"	56.37'	55.05'	N44°59'11"W
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C5	1975.00'	20°58'00"	722.72'	718.70'	S34°04'45"E

LINE	BEARING	DISTANCE
L1	S00°57'56"W	69.25'



NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER SECTION 15, TOWNSHIP 48 SOUTH, RANGE 26 EAST, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, BLOCKS "D", "H" AND "I" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGES 31 THROUGH 45, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY WITH THE STATE PLANE BEARING OF NORTH 00°29'19" WEST AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
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ABBREVIATIONS

- P.O.B. = POINT OF BEGINNING
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- P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
- L.B.# = LICENSED BUSINESS NUMBER
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NOT A SURVEY

BY: 
 JOHN SCOTT RHODES, PSM #5739

D2 SKETCH

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

date: NOVEMBER 22, 2016
 scale: 1"=100'
 cadd file: 2016-1077 SKETCH
 28100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

PSM: JSR	drawn: MMR
checked: MMR	view: SKETCH
acc'd #: 2012-1077	project #: 2012-93
sheet #: 2 of 2	file #: 2012-1077

Drafted by and return to:

Gregory L. Urbancic, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103

ATTORNEY'S AFFIDAVIT
(Flow Way CDD to Collier County)
(Parcel D2)

STATE OF FLORIDA

COUNTY OF COLLIER

BEFORE ME, the undersigned authority, on this ____ day of _____ 201__, personally appeared Gregory L. Urbancic, Esq., who is to me well known, and having been sworn upon oath, deposes and states:

1. My name is Gregory L. Urbancic, Esq., I am over the age of twenty-one (21) years, am otherwise *sui juris*, and have personal knowledge of the facts asserted herein.

2. I am a licensed attorney, Florida Bar #151068, authorized to practice law in Florida and am currently practicing law in the State of Florida. My business address is Coleman, Yovanovich & Koester, P.A., 4001 Tamiami Trail North, Suite 300, Naples, Florida 34103. My business telephone number is 239-435-3535.

3. This Affidavit is given as an inducement to the Board of County Commissioners of Collier County, Florida, as the governing body of Collier County and as the Ex-Officio Governing Board of the Collier County Water-Sewer District to accept the dedication or conveyance of all potable water and wastewater utility system(s) or portion(s) thereof located within or upon the real property described in the attached Exhibit "A", which is incorporated herein by reference, said land being located in Collier County, Florida.

4. The Affiant has examined record title information to the underlying real property and the utility facilities being conveyed to the County referenced in this affidavit, including but not limited to, information requested from the Florida Secretary of State relative to any Uniform Commercial Code financing statements.

5. The record owner of the underlying real property described herein as Exhibit "A", is Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company (hereinafter "Owner"). Further, according to (i) an Owner's Affidavit signed and delivered by owner in connection with the subject conveyance, and (ii) that certain Utility Facilities Warranty Deed and Bill of Sale issued in its favor from Owner, Flow Way Community Development District, a community development district established and existing pursuant to Chapter 190, Florida Statutes (the "District"), owns the utility facilities lying within the underlying real property owned by Owner. Owner acquired record title to the subject real property by Warranty Deed recorded February 7, 2013 at Official Records Book 4883, Page 3965, of the Public Records, Collier County, Florida. Affiant has examined corporate information obtained from the Florida Department of State, Divisions of Corporations and based on said corporate information Owner is current, active and authorized to do business within the State of Florida. Based upon my review of the records of the District, the District is a community development district established pursuant to Chapter 190, Florida Statutes, and David Truxton, Chairman of the District, is authorized to execute these instruments on behalf of the District in conjunction with the conveyance of the subject utility systems.

6. Title to the utility system(s) or portion(s) thereof and/or easement(s) being conveyed to the County is subject to the following security interests by the following instruments of record:

NONE

7. Affiant further states that the information contained in this Affidavit is true, correct and current as of the date this Affidavit is given.

[SIGNATURES COMMENCE OF FOLLOWING PAGE]

FURTHER AFFIANT SAYETH NAUGHT.

DATED this ___ day of _____, 201__.

Gregory L. Urbancic

STATE OF FLORIDA
COUNTY OF COLLIER

SUBSCRIBED AND SWORN to before me this _____ day of _____, 201__, by Gregory L. Urbancic, who [] is personally known to me or [] has produced _____ as identification.

Notary Public
My commission expires:
Printed Name:

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

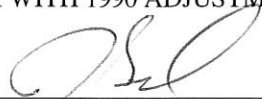
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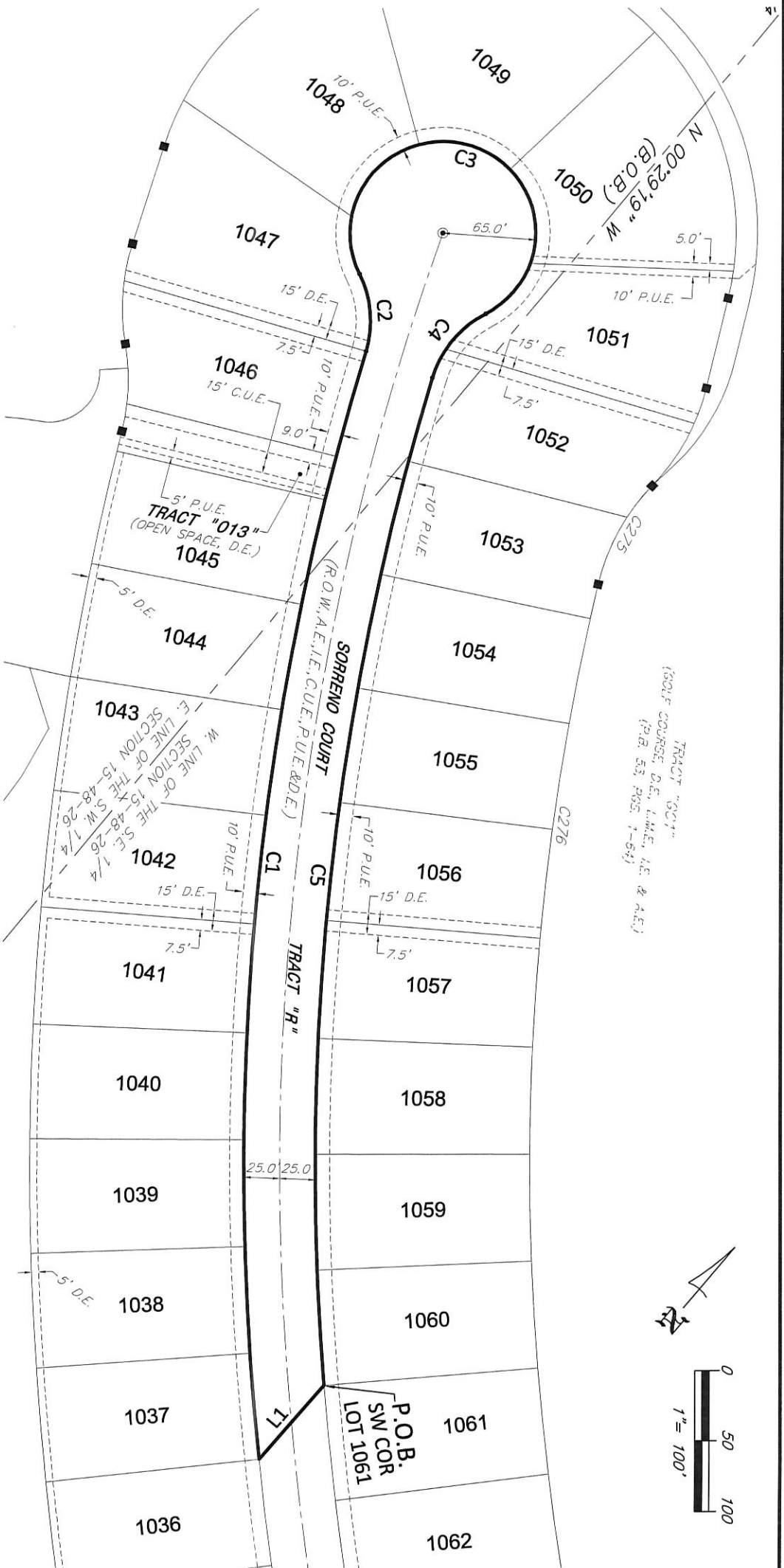
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JOHN SCOTT RHODES, P.S.M., NO. LS5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA



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NOT A SURVEY

BY: 
 JOHN SCOTT RHODES, PSM #5739

D2 SKETCH

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

date: NOVEMBER 22, 2016
 scale: 1"=100'
 cadd file: 2016-1077 SKETCH

28100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

PSM: JSR	drawn: MMR	checked: MMR	date: 2012-1077
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OWNER'S AFFIDAVIT
(Flow Way CDD to Collier County)
Parcel D2

STATE OF FLORIDA

COUNTY OF COLLIER

BEFORE ME, the undersigned authority, personally appeared David Truxton, who to me is well known, and having been duly sworn and under oath, deposes and states:

1. My name is David Truxton. I am over the age of twenty-one (21) years, am Sui Juris, and have personal knowledge of the facts asserted herein.

2. I am the Chairman of **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes, the owner of the subject utility system(s) that are located within that certain real property in Collier County, Florida, and described on Exhibit "A". Such real property is owned by Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company, and said Exhibit "A" shows the location of the subject utility facilities being conveyed.

3. All persons, firms, and corporations, including the general contractor, all laborers, subcontractors and sub-subcontractors, material men and suppliers who have furnished services, labor or materials according to plans and specifications, or extra items, used in the construction, installation and/or repair of potable water and wastewater utility system(s) or portion(s) thereof on the real estate hereinafter described, have been paid in full and that such work has been fully completed and unconditionally accepted by the current owner of such facilities.

4. Title to the subject utility system(s) or portions(s) thereof and/or easement(s), if any, being conveyed to the County is not encumbered by any recorded mortgage, recorded assignment of rents or profits, by any recorded UCC Financing Statement, or any other recorded document that imposes a security interest that could negatively affect conveyance of marketable title to the County.

5. No claims have been made to the owner, nor is any suit now pending on behalf of any contractor, subcontractor, sub-subcontractor, supplier, laborer or material-men, and no chattel mortgages or conditional bills of sale have been given or are now outstanding as to the subject utility system(s) or portion(s) thereof placed upon or installed in or on the aforesaid premises.

6. As and on behalf of the owner of the subject utility system(s) or portion(s) thereof, does for valuable consideration hereby agree and guarantee, to the extent permitted by Florida law and without waiving any protections of sovereign immunity afforded by Florida law, to hold the Board of County Commissioners of Collier County, Florida, as the governing body of Collier County and as the Ex-Officio Governing Board of the Collier County Water-Sewer District harmless against any lien, claim or suit by any general contractor, subcontractor, sub-subcontractor, supplier, mechanic, materialman, or laborer, and against chattel mortgages, security interests or repair of the subject potable water and wastewater utility system(s) or portion(s) thereof by or on behalf of owner. Affiant is used as singular or plural, as the context requires.

7. The potable water and wastewater utility system(s) or portion(s) thereof referred to herein are located within the real property described in the attached Exhibit "A".

FURTHER AFFIANT SAYETH NAUGHT.

DATED this ____ day of _____, 201__.

David Truxton, as Chairman of Flow Way
Community Development District

SUBSCRIBED AND SWORN to before me this ____ day of _____, 201__, by
David Truxton, as Chairman of Flow Way Community Development District, who is personally known to
me as _____ OR who produced identification. Type of identification produced:
_____.

Notary Public
My Commission Expires: _____

Printed, Typed or Stamped Name of Notary

RHODES & RHODES LAND SURVEYING, INC.

JOHN SCOTT RHODES, P.S.M.
PHONE (239) 405-8166

THOMAS E. RHODES, P.S.M.
FAX (239) 405-8163

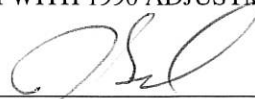
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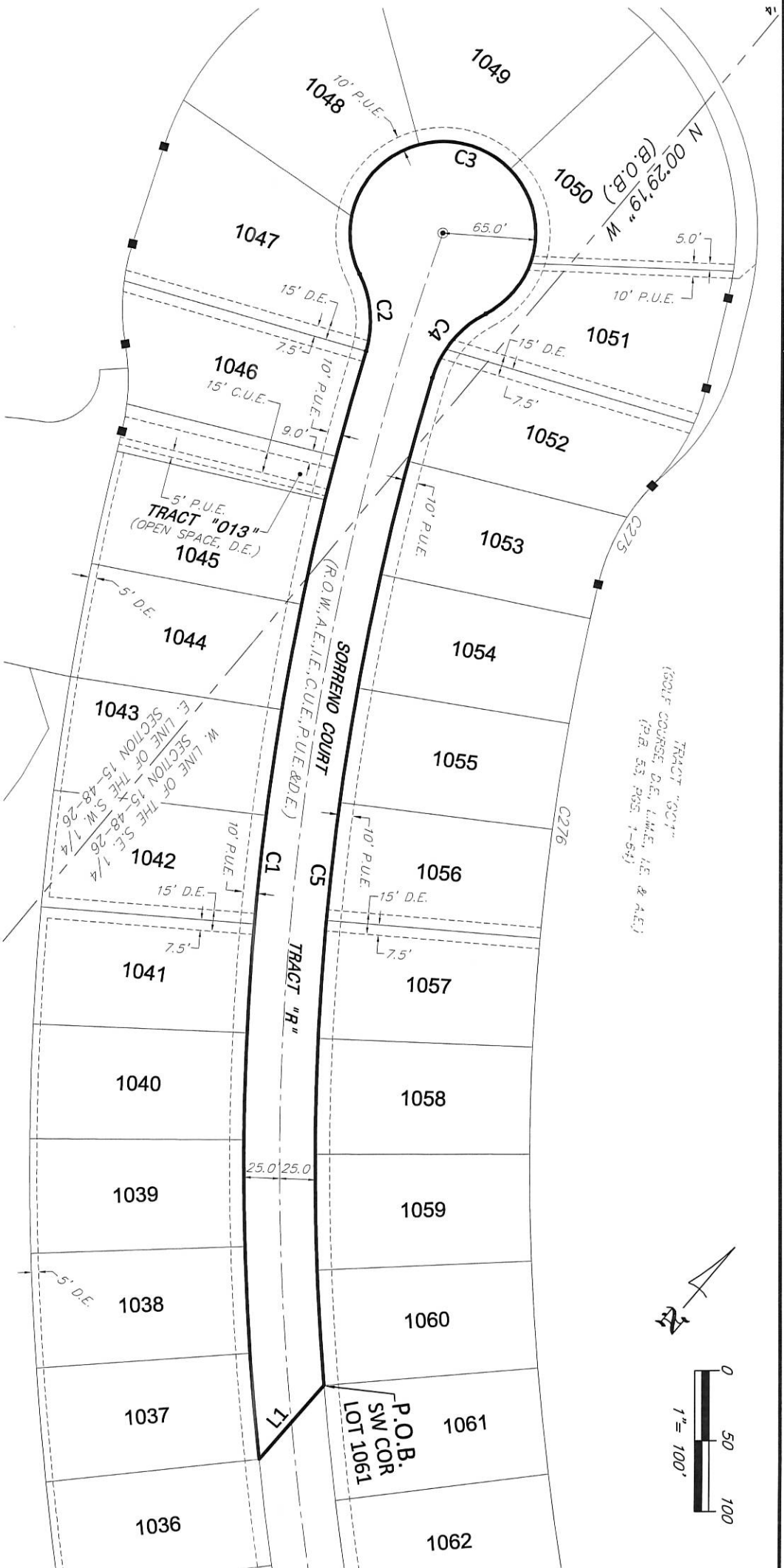
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JOHN SCOTT RHODES, P.S.M., NO. LS5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA



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D2 SKETCH

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