

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT



MEETING AGENDA

OCTOBER 19, 2023

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2301 NORTHEAST 37TH STREET, FORT LAUDERDALE, FL 33308

T: 954-658-4900 E: JimWard@JPWardAssociates.com

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

October 12, 2023

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 (the “**District**”) will be held on **Thursday, October 19, 2023, at 1:00 P.M.** at the **Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, FL 34119.**

The following WebEx link and telephone number are provided to join/watch the meeting.

<https://districts.webex.com/districts/j.php?MTID=m568eb443c7787c58d09ed0642ac796c4>

Access Code: **2347 920 3116**, Event password: **Jpward**

Phone: **408-418-9388** and enter the access code **2347 920 3116**, password **Jpward (579274** from phones) to join the meeting.

Agenda

1. Call to Order & Roll Call.
2. Notice of Meeting.
3. Public Comments for non-agenda items. These are limited to three (3) minutes and individuals are permitted to speak on items not included in the agenda.
4. Consideration of Minutes:
 - I. September 21, 2023 – Regular Meeting. [[Page 6](#)]
5. Staff Items.
 - I. District General Counsel – Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
 - II. District Engineer – Calvin, Giordano & Associates.
 - a. Engineer’s Report. [[Page 17](#)]
 1. Strategic Operational Plan.
 2. Prior Board Inquiries.
 3. SFWMD Permit Compliance Status.
 - III. District Manager – JPWard & Associates, LLC.
 - a. Financial Statements for period ending September 30, 2023 (unaudited). [[Page 31](#)]
6. Supervisors Requests.
 - I. Chairman Zack Stamp –copy Settlement Agreement. [[Page 48](#)]

7. Public Comments: - Public comment period is for items NOT listed on the Agenda, and comments are limited to three (3) minutes per person and assignment of speaking time is not permitted; however, the Presiding Officer may extend or reduce the time for the public comment period consistent with Section 286.0114, Florida Statutes.
8. Announcement of Next Meeting – November 16, 2023.

Quorum Call for November 16, 2023.

- Zack Stamp
- Ronald Miller
- Tom Kleck
- Martinn Winters
- Bart Bhatla

9. Adjournment

Staff Review

The first order of business is to call the meeting to order and to conduct the roll call.

The second order of business is the Notice of Meeting Proof provided by the newspaper, with the Notice of Meeting scheduled to run on October 8, 2023.

The third order of business is Public Comments for non-agenda items. The Public is provided three opportunities to speak during the meeting. This is the first time for the Public to speak on non-agenda items.

Each member of the Public will also be provided an opportunity to speak on each agenda item, and at the end of the Agenda, a final time to speak on any other matter will be provided.

The fourth order of business is the consideration of the September 21, 2023 Regular Meeting Minutes.

The fifth order of business are staff reports, including the District Manager, District Attorney and District Engineer.

The sixth order of business are any items that the Board of Supervisors would like to bring up for the Board that are not scheduled agenda items.

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

Yours sincerely,

Flow Way Community Development District



James P. Ward
District Manager

The Meetings for Fiscal Year 2024 are as follows:

October 19, 2023	November 16, 2023
December 7, 2023	January 18, 2024
February 15, 2024	March 21, 2024
April 18, 2024	May 16, 2024
June 20, 2024	July 18, 2024
August 15, 2024	September 19, 2024

PROOF OF PUBLICATION

Cathyriley@Jpwardassociates.Com
Flow Way CDD co JPWard & Assoc Llc
2301 NE 37Th ST
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STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Naples Daily News, a newspaper published in Collier County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Collier and Lee Counties, Florida, or in a newspaper by print in the issues of, on:

10/08/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/08/2023



Legal Clerk



Notary, State of WI, County of Brown

3/7/27

My commission expires

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**NOTICE OF BOARD OF SUPERVISORS MEETING
FLOW WAY COMMUNITY
DEVELOPMENT DISTRICT**

The Board of Supervisors of the Flow Way Community Development District will hold a Board of Supervisors Meeting on Thursday, October 19, 2023, at 1:00 P.M., at the Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, Florida 34119.

The meeting is open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts. The District fully encourages public participation in a safe and efficient manner. Toward that end, anyone wishing to listen and participate in the meeting may do so remotely, via the WebEx.com weblink posted to the District's website www.flowwaycdd.org. A copy of the agenda for the meeting may be obtained from the office of the District Manager, JPWard & Associates LLC, by calling 954 658 4900, email JimWard@JPWardAssociates.com or on the District's web site at www.flowwaycdd.org at least seven (7) days in advance of the meeting. The meeting may be cancelled or continued to a date, time and location specified on the record at the meeting.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at these meetings should contact the District at (954) 658-4900, at least five (5) days prior to the date of the meetings. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770, for assistance in contacting the District Office.

If any person decides to appeal any decision made with respect to any matter considered at these board meetings, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

Flow Way Community Development District
James P. Ward, District Manager
Oct 8, 2023

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

10 The Regular Meeting of the Board of Directors of the Flow Way Community Development District was
11 held on Thursday, September 21, 2023, at 1:00 P.M. at the Esplanade Golf and Country Club, 8910 Torre
12 Vista Lane, Naples, FL 34119.
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Present and constituting a quorum:

Zack Stamp	Chairperson
Ron Miller	Vice Chairperson
Bart Bhatla	Assistant Secretary
Martinn Winters	Assistant Secretary
Tom Kleck	Assistant Secretary

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Also present were:

James P. Ward	District Manager
James Messick	District Engineer
Jessica Tolin	District Counsel
Michael Pawelczyk	District Counsel

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Audience:

Lynn Hyduk	Homeowners Association Manager
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41 All residents' names were not included with the minutes. If a resident did not identify
42 themselves or the audio file did not pick up the name, the name was not recorded in these
43 minutes.
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**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE
TRANSCRIBED IN *ITALICS*.**

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Chairperson Zack Stamp called the meeting to order at approximately 1:00 p.m. Roll call was conducted,
and all Members of the Board were present, constituting a quorum. Ron Miller was present by phone.

SECOND ORDER OF BUSINESS

Public Comments

**Public Comments for non-agenda items (Limited to three (3) minutes). Individuals are permitted to
speak on items on the agenda during that item and will be announced by the Chairperson.**

Chairperson Stamp reviewed public comment protocols. He noted there were no members of the public
present.

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THIRD ORDER OF BUSINESS**Consideration of Minutes****August 17, 2023 – Regular Meeting Minutes**

Chairperson Stamp asked if there were any additions, deletions, or corrections for the Minutes; there were none.

<p>On MOTION made by Tom Kleck, seconded by Martinn Winters, and with all in favor, the August 17, 2023, Regular Meeting Minutes were approved.</p>
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FOURTH ORDER OF BUSINESS**Staff Items****I. District General Counsel - Billing, Cochran, Lyles, Mauro & Ramsey, P.A.**

Mr. Michael Pawelczyk: One of the items I've been working on with Jim and Jimmy is the easement from the HOA. It's kind of a blanket easement. The purpose of the easement is to make sure that we as a CDD have easement rights on all property owned by the HOA where the CDD has infrastructure, and the primary purpose of moving this forward as quickly as we can is the irrigation permit renewal with South Florida Water Management District. We've sent that to counsel for the HOA earlier this week and haven't heard back from them, but I will follow up on a regular basis with Steve and if anyone can follow up with the HOA that would be great.

II. Litigation Attorney – Woods, Weidenmiller, Michetti, & Rudnick**a. Status Report on Appeal**

Chairperson Stamp: Litigation counsel, we will come back to you at the appropriate time.

III. District Engineer – Calvin, Giordano & Associates**a. Engineer's Report**

- 1. Strategic Operational Plan**
- 2. Prior Board Inquiries**
- 3. SFWMD Permit Compliance Status**

Mr. Jimmy Messick: Items to discuss, current assets, just going through, the lake maintenance, we are continuing to treat aquatic lakes and wetland plants. The vendor is treating the lilies as needed. The cord grass has been affected by the drier than normal conditions. I'm sad to say we are getting more rain over here than you are getting on that side. I hear that the levels are still low. We are hoping with more rain those things are able to get washed out. They are treating the weeds along shorelines and cord grass beds, algae, everything as they pop up and trying to be proactive about that. We got our waterway inspection report for August back from Solitude. I attached it as appendix D. It does show a summary of observations that we are aware of the deficiencies. We are going to be switching out the vendors in 2024, October 1, and we are going to increase the personnel that are going to be out spraying the lakes and the additional treatments as are included in our budget. The other thing I have attached is the water quality

96 *sampling report. It's back from June. I didn't get it until August, so now it's in this month's*
97 *budget. Again, like last time, there are no outstanding water quality issues. However, there is a*
98 *caveat that there are some cyclic trends from dissolved oxygens and nutrients increased, visual*
99 *investigations and treatments are needed by the lake maintenance company for algae growth.*
100 *Obviously, during the summer months, we've seen the algae growth in the last couple of months*
101 *and that report is attached to my report for your review in more detail. The landscaping asset,*
102 *we are continuing to trim. We have scheduled pine straw mulching for October and November.*
103 *We are also scheduled to trim the fakahatchee grass along the Immokalee canal in early*
104 *October. We have the newly installed irrigation filtration system up and running and it seems to*
105 *be running just perfectly at normal conditions. Minor things we did, the entrance, some*
106 *pedestrian pressure washing. We replaced the electrical and cooling fans at both pump stations*
107 *on the west fountain. The pavers were sprayed to prevent weeds. Mole crickets were treated, so*
108 *on and so forth. Some of the projects we are working on, we removed dead and hazardous*
109 *trees, 44 of them, in the external preserves around the pedestrian path on the external side of*
110 *the community. That was considered a safety hazard and we got approval, and they have been*
111 *removed and we are done with that for this year. We finally got the fence company to finish*
112 *their repair on the west property line. They removed the pedestrian gate and put up fabric and*
113 *fence to close off for security to that western preserve portion. The last thing is lakes 18 and 19*
114 *were regraded. There was a little bit of erosion. That was completed by the bank vendor under*
115 *his warranty. It took a little bit longer than we had hoped, but he was able to get out there and*
116 *fix those lake banks. The last thing here, and you can see the pictures of the pumping station*
117 *filter installation that was done. If you go to appendices C, you will see the pictures from some*
118 *of the assets, bank restorations and so forth that were completed that I mentioned. The last*
119 *thing I want to go over is the amended capital improvements plan. I amended it this summer in*
120 *August really because with the irrigation filter piece that had broken and we replaced, we sat*
121 *down with the vendor and discussed, preventative maintenance, what those costs are, and the*
122 *insurance cost wise, that pump station is an expensive asset to maintain and we want to make*
123 *sure that we invest in it and keep those pieces primed so that they don't go bad and we are stuck*
124 *with a larger bill than what we anticipated. All of the changes are in red so you can go through*
125 *and see what has changed, but I want to point out, page 70, pump station repairs. Those costs*
126 *are broken down based on replacing, restoring, motors, pumps, there are various things he*
127 *recommended, and I go through the more detailed description in the added capital*
128 *improvements program leaflet, but certainly I can answer any questions you have about the*
129 *capital improvement program addendum I prepared for you.*

130
131 *Chairperson Stamp: Are you going to talk about where we are with South Florida?*

132
133 *Mr. Messick: We met with the District, we had Hugh Dinkler and Susan meet with the District.*
134 *We talked to them. Jim was on the phone as well. We discussed the timeline. Jim emailed the*
135 *Board a brief synopsis of what happened at that meeting. We are still engaged with the*
136 *environmental consultant.*

137
138 *Mr. Ward: In our discussions with South Florida Water Management District, which was last*
139 *week, on the phone was myself, Hugh Dinkler, Susan Martin, Jimmy, and a number of South*
140 *Florida Staff, all of the individuals needed on this call to ensure we could move the process*
141 *forward. I think it was a very productive call. At the end of the call, basically what we agreed to*
142 *do with South Florida Water Management District was, since we are basically out of compliance*
143 *with the permit, we would do a letter modification to the permit over the next month or so to*

144 allow us to extend the dates we need to meet the success criteria out two years, perform the
145 work over that two year period, and then close out that requirement for compliance in year 3.
146 The letter modification does that. It is a simple way to make a modification to a permit without
147 going through the entire process of modifying the entire permit. That's where we are with South
148 Florida Water Management District. Mr. Dinkler is preparing the letter modification. He's going
149 to do an inspection of the sites to see where we are. Jimmy and Hugh will be responsible for the
150 preparation of the bid specifications and documents that we need to put this out to bid again,
151 and then we will move forward with the process. I assume this will take some months to get
152 through this process at this point. One of the two big open items is, we don't know what the
153 preserves look like at this point because it hasn't been inspected in a couple of years now. Mr.
154 Dinkler will be doing an inspection of the site. South Florida Water Management District did
155 want the well monitoring data from two wells that are on site. None of us know where those
156 wells are, so they need to be located at this point in time.

157
158 Mr. Bhatla: Did they inquire about the status of the mitigation itself? Are we done with the
159 mitigation? Because the groundwater monitoring itself is routine.

160
161 Mr. Ward: South Florida is of the opinion that none of the mitigation has been done to bring the
162 permit into compliance.

163
164 Mr. Bhatla: They made that comment, that the mitigation is incomplete?

165
166 Mr. Ward: Correct.

167
168 Mr. Miller: Did it come up in the conversation, that it was transferred to us out of compliance
169 and incomplete?

170
171 Mr. Ward: No. That was not the intent of the conversation. We did not discuss that with them.

172
173 Mr. Miller: Did this individual happen to mention what motivated him to do this drive by quick
174 look?

175
176 Mr. Ward: Actually, Jimmy answered that question for me, because I asked the same question
177 after the last board meeting. Because of the trees that we took down in the preserves, the dead
178 trees along the perimeter, he noticed that we were out of compliance. That's why he was there.
179 We tried to do something good, and we got dinged for it.

180
181 Mr. Miller: No good deed goes unpunished.

182
183 Chairperson Stamp: You've talked with Dave Boguslawski to let him know?

184
185 Mr. Ward: I have brought Dave up to speed.

186
187 Mr. Winters: So, have they agreed to give us two years, or are they thinking about it?

188
189 Mr. Ward: They agreed to give us two years with the letter modification to bring it back into
190 compliance and do the reports for the two years and then close out the compliance reporting
191 portion of the permit in the third year assuming we can get it done that quickly.

192
193 *Mr. Miller: Once we get this underway and the relationship is amicable and so forth, would*
194 *there be any sense that we could go back to them and say, "Can you help us get a little money*
195 *from Taylor Morrison for turning it over to us in this condition?"*

196
197 *Mr. Ward: That's probably not going to happen. That would be my initial thought.*

198
199 *Chairperson Stamp: Do they even have the authority to ask someone who is not on the permit*
200 *anymore?*

201
202 *Ms. Jessica Tolin: at this point I think you're seeing the (Indecipherable).*

203
204 *Mr. Bhatla: Could we see a copy of the modification request that our engineer is preparing? I*
205 *would like to go through it. Because the big issue is, are we done with the mitigation or not, and*
206 *then there is the routine compliance of things.*

207
208 *Mr. Messick: The permit modification does not change the requirements that we need to meet*
209 *for compliance. The permit modification is just to change the date as to which we provide*
210 *reporting for it.*

211
212 *Mr. Miller: It seems to me that it wouldn't hurt if someone goes back and lets them know they*
213 *are the ones who approved the permit transfer to us and the HOA while Taylor Morrison was not*
214 *in compliance and had not met the requirements. South Florida Water Management District,*
215 *they are a powerful organization, they are the government, and they can basically do what they*
216 *want. Just as they were going to issue us a noncompliance letter, why can't they issue Taylor*
217 *Morrison one and perhaps get us some help in this regard? If they could issue them a retroactive*
218 *noncompliance report.*

219
220 *Chairperson Stamp: Let's hold that until we get to that point.*

221
222 *Mr. Bhatla: I think we should address this immediate noncompliance issue and then we need to*
223 *have a meeting with them to understand the overall scheme of things. We are essentially*
224 *beholden to everything. We have assumed the position that we don't want to own it, but now*
225 *we are being told, you are the owner, so you better get in line. I think we need to understand all*
226 *that.*

227
228 *Mr. Ward: I think you are right, we need to get through the next two years.*

229
230 *Mr. Tom Kleck: My question is to Jim. Do we have a clear understanding of what exactly the*
231 *District wants us to do, item by item, over the next two years to come into compliance?*

232
233 *Mr. Ward: The environmental consultant we hired is going to prepare essentially a plan for us*
234 *that will get us into compliance in two years. That will be submitted to South Florida Water*
235 *Management District along with the letter modification. They will go through their process of*
236 *reviewing it and approving it and then we will start that process.*

237
238 *Mr. Kleck: Who will be doing the actual work?*

239

240 *Mr. Ward: We have to go through a process to bid that, and whatever vendor we choose will do*
241 *it.*

242
243 *Mr. Kleck: It would not be Jimmy and his team?*

244
245 *Mr. Ward: No, they don't do on-field work. We will bid that out.*

246
247 *Mr. Miller: If there is any merit to what I said and the Board Members agree, I think we should*
248 *not wait until the end of the two years, we get on this thing in the beginning of the process to*
249 *see if we can't force Taylor Morrison's cooperation in this regard.*

250
251 *Chairperson Stamp: All I think they can do is say no.*

252
253 *Mr. Messick: Jim, do you recall when our budget was suspended what our budget included for*
254 *the mitigation?*

255
256 *Mr. Ward: I know we used to spend about \$250,000 dollars a year, and then we stopped at year*
257 *2 or 3. We stopped in 2021, I think.*

258
259 *Mr. Bhatla: We need to get the environmental engineer to get an assessment for us, after he*
260 *has addressed immediate issues, to see what is involved on an ongoing basis, where we stand*
261 *with remediation, and their recommendations, what we should do, how we should contact the*
262 *Agency, so that we can move forward with these items. This is the responsibility of our*
263 *environmental Engineers to provide these recommendations for us.*

264
265 *Mr. Ward: We agree.*

266
267 *Mr. Miller: We should let them know that in this regard of compliance and turning it over in*
268 *noncompliant form and so forth, that the court awarded us \$472,000 dollars for that item,*
269 *because Taylor Morrison failed to do that. We should make South Florida Water Management*
270 *District aware of that in our pleading.*

271
272 *Mr. Messick: I think they understand that we are willing to work with them, just on the fact we*
273 *met with them, with an environmentalist. We discussed what the next steps were, and we are*
274 *ready to make that assessment and prepare the initial report. I don't think they need to know*
275 *specifically that we have the money awarded to us from Taylor Morrison. That's someone else's*
276 *call, but I feel comfortable with the District's position and them working with us moving forward.*

277
278 *Chairperson Stamp: We are getting ahead of ourselves. We are talking about maybe two*
279 *months from now, or after the letter of modification and report are filed, then we can revisit.*

280
281 *Mr. Bhatla: It appears to me that the inspector, he went to the preserve, he saw something, and*
282 *he just said, they are going to be out of compliance. I don't think the people up above them*
283 *know any of the details because we haven't contacted them, and they could care less unless we*
284 *bring up the issues.*

285
286 *Mr. Ward: This was not just an inspector. We talked to one of their attorneys in the general*
287 *counsel office. We had their enforcement people online, their regulatory compliance people*

288 *online. I think we had five or six South Florida Water Management District people online during*
289 *the discussion. To the credit of Susan Martin, she was a great resource to get that many people*
290 *on the phone, all on the same day, all on the same page. That was a monumental task.*

291
292 *Mr. Bhatla: If you call the agency and tell them you are bringing your counsel online, it is a very*
293 *natural response for them to bring everybody in. I think it was a response to our action.*

294
295 *Mr. Ward: I think it was different than that. We asked Susan to contact the agency on the*
296 *District's behalf. We knew we had this email out there, and we wanted to do something*
297 *proactive to bring this into compliance, and we asked for those people to be on this phone call,*
298 *so we could get through this process relatively quickly. I don't think it was a response to a field*
299 *inspector basically sending an email for noncompliance. We up front said we wanted to be*
300 *proactive in doing this.*

301
302 *Mr. Bhatla: To summarize, we are going to address the noncompliance issue and get the*
303 *schedule from the environmental engineer, and also should we task preparing an assessment for*
304 *the overall scheme of things, where we stand.*

305
306 *Mr. Ward: He has been. And we will share it with all of you.*

307

308 **IV. District Manager – JPWard & Associates, LLC**

309 **a. Financial Statements for the period ending August 31, 2023 (unaudited)**

310

311 No report.

312

313

314 **FIFTH ORDER OF BUSINESS**

Executive Session

315

316 **Executive Session of the Board of Supervisor's (Closed to the Public) – Estimated time for Session is**
317 **one (1) hour, after which the Board of Supervisors will open the Regular Meeting and take up any**
318 **actions that may be needed from the Executive Session.**

319

320 **The sole purpose of the executive attorney/client session is to discuss a settlement proposal relative**
321 **to the Flow Way Community Development District's lawsuit, File Number: 20-CA-4147, and related**
322 **appeal.**

323

324 **The executive session is expected to last approximately one (1) hour. At the conclusion of the**
325 **executive session the Board of Supervisors will go back into Regular Session to conduct the balance of**
326 **the regular agenda items.**

327

328 **The attending parties shall be the following members of the Board of Supervisors, Zack Stamp, Ron**
329 **Miller, Tom Kleck, Martinn Winters, Bart Bhatla: District Attorney Greg Woods and Jessica Tolin, and**
330 **District Manager James Ward.**

331

332 **The entire session shall be recorded by a certified court reporter and the transcript shall be filed with**
333 **the District Attorney and shall remain sealed until the lawsuit has concluded.**

334

335 **At the close of the executive session, the Board will reopen the meeting for any additional items to be**
336 **considered by the Board of Supervisors.**

337

338 Chairperson Stamp announced the Board would now go into executive session.

339

340 The recording stopped here and restarted following the executive session at approximately 1:57 p.m.

341

342

343

344 Chairperson Stamp: Okay, we are back in open session. We need a motion on accepting the settlement.
345 Motion by Tom Kleck, seconded by Martinn Winter.

346

347 *Mr. Miller: Some discussion, if I may...I was at the shade session last month, not this one this month.*
348 *What changes occurred on the settlement offer between last month and this month?*

349

350 *Chairperson Stamp: None. It's the same document we had. I raised the concern that once we would*
351 *agree to this, Taylor Morrison would come back and say, well, yeah, but now we've got to change this*
352 *and we've got to change that, and here's a couple of extra pages. We've got it in writing from them that*
353 *this is absolutely it, there is no redline, there are no amendments, there's nothing. This is the agreement.*
354 *And it is exactly the one you saw last month.*

355

356 *Mr. Miller: Some other comments I'd like to throw out...going down memory lane – I think what I'm*
357 *about to say is factual – that when we got to the point of losing the arbitration apart from the \$472,000*
358 *dollars, counsel made two recommendations to us. The first recommendation was that we should*
359 *appeal, and we did that. We have appealed. And I think, recalling from last month, the majority of the*
360 *appeals' legal fees have already been spent. The second recommendation that counsel made was in the*
361 *event –*

362

363 *Ms. Tolin: Ron, don't go into Attorney/Client privileged information.*

364

365 *Chairperson Stamp: You may waive a lot of it.*

366

367 *Mr. Miller: I'm going to do it no matter what. And then, the second thing is, should that not work out to*
368 *our satisfaction, our attorney made a recommendation that we would then hire a different attorney to*
369 *get to the bottom of the actual legal fees that we are required to pay, not the full amount. Should we*
370 *vote to accept this settlement offer, we will be rejecting counsel's advice for two different things, and I*
371 *would ask the Board to contemplate that. Why would we reject their advice based upon the point we*
372 *are at, at the moment, and tell counsel that we don't like their advice?*

373

374 *Chairperson Stamp: I think both of those comments were made in open session, so there have been no*
375 *Attorney/Client violations, we are not waiving any attorney/client privilege. First of all, we did appeal,*
376 *and the appeal brought Taylor Morrison back to the table to negotiate, and we don't need to hire*
377 *another lawyer if we settle, so we are following their advice. We did follow their advice, we filed an*
378 *appeal, although some members of the Board did not want to do that, that brought Taylor Morrison*
379 *back. Before that Taylor Morrison was saying they wanted \$900,000 dollars for legal fees and "we want*
380 *you to take over the Corps permit, and we want you to do this and do that." The device of appeal has*
381 *brought them to where we are today.*

382

383 *Mr. Miller: I would disagree with the second part of that. Disregarding the attorney's advice that should*
384 *the appeal fail, we don't get to the second one, but the second one would be to pursue yet a different*
385 *attorney to negotiate down the proper legal fees. We haven't reached that point yet because the appeal*
386 *hasn't run its course. But should it run its course, then the second recommendation of counsel would*
387 *apply.*

388
389 *Chairperson Stamp: Right, but we are not there.*

390
391 *Mr. Miller: We would be there should the appeal's decision go against us. So, we are ignoring our*
392 *attorney after going through this for years, it seems like it's years anyway, two or three anyhow, we've*
393 *gone all this way and now we are going to just say, "we give," and we are just going to ignore our*
394 *attorney. That seems a shame.*

395
396 *Ms. Tolin: As one of your litigation attorneys I want to comment. What Zack said is correct. If you lose*
397 *the appeal, that's obviously in a worst-case scenario category, and then you are proceeding with their*
398 *motion for fees that is currently pending, of which the risk to the CDD is potentially their attorney's fees*
399 *award being entered. So, that second step you are talking about is the retention of an expert on*
400 *attorney's fees, which, if you are at that point of that step, that means the CDD has lost the appeal at*
401 *that point. I don't think this is ignoring that particular piece of advice.*

402
403 *Mr. Miller: I don't understand that because I think we all agree that the second piece of advice is should*
404 *we lose the appeal the second piece of advice is to move forward with the expert on the amount of the*
405 *legal fees. That advice has been rendered and the fact that we are moving forward with the –*

406
407 *Chairperson Stamp: But the condition preceding is not there. If you go back several board meetings, I*
408 *was in favor of engaging the fee attorney so he could give us some advice on how real is this number was*
409 *and there was opposition from the Board that they didn't want to hire another attorney. So, we are*
410 *somewhat flying blind here. Is the 477 a real number, is it really 600, is it 750 - with is that number a real*
411 *number, because the Board didn't want to hire another attorney, so we didn't.*

412
413 *Mr. Miller: We did hire an appeals attorney and that money has been spent.*

414
415 *Chairperson Stamp: Correct. Well, there is more to be spent because they will file a reply brief and then*
416 *we will get a chance to apply, and it may go to arguments. I don't think we are done. I think the majority*
417 *of it has probably been spent, but I don't want to tell you that it's done.*

418
419 *Mr. Miller: I've made my comments, I've made my points, and I pray two other Board Members will join*
420 *me in rejecting the settlement.*

421
422 *Mr. Bhatla: I think we have come to this, the advice of the attorney at this point time is how to save a*
423 *couple of hundred thousand dollars without any other exposure involved, so I think we need to take*
424 *everything into account and see if we are setting a very bad precedent legally, morally, and of course*
425 *with the possibility of future actions. We are doing it for a couple of hundred thousand dollars saved. I*
426 *think it's kind of premature to say we need to go and reject this agreement.*

427
428 *Mr. Martinn Winters: In closed session I laid out an argument for maintaining our litigation with Taylor*
429 *Morrison, and I couldn't get agreement on that point, and so, in light of that nonagreement, I think it's*
430 *time to settle this thing. I think it's time to get this over with and I think it's the burden of the HOA to*

431 *pursue this. I think we need to put pressure on them to pursue it and tell them we did the best we could*
432 *and now it's up to them.*

433
434 *Mr. Kleck: I agree with Martinn. I think we are beating a dead horse with this particular project, this*
435 *particular judgment, and I think we give up and go on and let the HOA battle with Taylor Morrison.*

436
437 *Chairperson Stamp: I think the residents deserve an explanation of the history of this is in the minutes.*
438 *This is not an easy vote for any of us. We've had an arbitration ruling in our favor for \$472,000 dollars*
439 *with no defense costs owed to the directors because of their actions. If you read the ruling, they were*
440 *outrageous, but in the end, they were protected by liability and by sovereign immunity. Taylor Morrison*
441 *and the directors agreed to this ruling, and the trial judge, in what I believe was a very bad ruling at the*
442 *request of Taylor Morrison, declared that despite the arbiter's ruling to which they all agreed, the*
443 *directors were entitled to the cost of their defense which was provided by Taylor Morrison. The amount*
444 *they are requesting appears excessive to say the least, but if accepted by the same judge, could have us*
445 *writing Taylor Morrison a check for several hundred thousand dollars. We have filed an appeal which*
446 *may take a year to be heard. I think we have a very good case. Our supporting brief is online at Flow*
447 *Way's website. I recommend people take a look at it if they are interested. But nothing is certain. And*
448 *legal fees would continue on both sides, and this potentially increases our downside liability on attorney*
449 *fees. The appeal did bring Taylor Morrison back to the table and from demanding several hundred*
450 *thousand dollars in excess of our judgment of \$472,000 dollars, and the CDD to take responsibility for the*
451 *preserves under the Corps permit to the position we are in today which is that all the parties just walk*
452 *away from their respective claims. We've run the settlement agreement by the HOA to make sure it does*
453 *nothing to adversely affect their lawsuit. They are fine with the settlement agreement as is. They did*
454 *not offer an opinion as to what we should do, nor did we ask them to offer an opinion. Our counsel has*
455 *advised us that they believe all things considered, we should accept this offer. It is not a choice between*
456 *good and bad, but rather a choice between bad and worse. I cannot put the residents of Esplanade on*
457 *the potential hook for an assessment of \$500 dollars just so we can write a check to Taylor Morrison. I*
458 *just couldn't bring myself to do that. I think I am willing to vote yes. Roll call please.*

459
460 *Mr. Ward: Supervisor Bhatla – no, Supervisor Kleck – yes, Supervisor Winters – yes, Supervisor Miller –*
461 *No, Supervisor Stamp – yes*

462
463 The motion passed by a vote of 3 to 2 in favor.

464
465 **On MOTION made by Tom Kleck, seconded by Martinn Winters, and**
466 **with a vote of two against and three in favor, the Settlement**
467 **Agreement was accepted.**

468
469
470 **SIXTH ORDER OF BUSINESS** **Supervisor's Requests**

471
472 **Chairman Zack Stamp – October 19, 2023 Board Meeting (Discuss Cancellation)**

473
474 Chairperson Stamp asked to reschedule the October 19, 2023 meeting as he would be gone, and he
475 believed Mr. Winters would also be gone. He suggested cancelling the October meeting.

476
477 Discussion ensued regarding whether to cancel the October meeting

478
479 The Board decided not to cancel the October 19, 2023 meeting.
480
481 Mr. Ward asked if the Board was willing to move the December 21, 2023 meeting to the first week of
482 December, perhaps December 7, 2023.
483
484 The Board agreed to move the December meeting to December 7, 2023.
485

486
487 **SEVENTH ORDER OF BUSINESS** **Public Comments**

488
489 **Public Comments: Public comment period is for items NOT listed on the Agenda, comments are**
490 **limited to three (3) minutes per person, assignment of speaking time is not permitted, however the**
491 **Presiding Officer may extend or reduce the time for the public comment period consistent with**
492 **Section 286.0114, Florida Statutes**
493

494 Chairperson Stamp noted there were no members of the public present.
495

496
497 **EIGHTH ORDER OF BUSINESS** **Announcement of Next Meeting**

498
499 **Announcement of Next Meeting – Regular Meeting October 19, 2023**
500

501
502 **NINTH ORDER OF BUSINESS** **Adjournment**

503
504 The meeting was adjourned at approximately 2:14 p.m.
505

506 **On MOTION made by Tom Kleck, seconded by Ron Miller, and with all**
507 **in favor, the Meeting was adjourned.**

508
509
510 Flow Way Community Development District
511

512
513
514
515 _____
516 James P. Ward, Secretary

515 _____
516 Ron Miller, Vice-Chairperson

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

**ENGINEER'S REPORT
October 2023**

**Board Meeting
October 19th, 2023**

Prepared For:

Board of Supervisors

Prepared By:



Calvin, Giordano & Associates, Inc.

A SAFEbuilt® COMPANY

CGA Project No. 21-4271
October 19th, 2023

**FLOW WAY
COMMUNITY DEVELOPMENT DISTRICT**

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**FLOW WAY
COMMUNITY DEVELOPMENT DISTRICT**

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I. PURPOSE

The purpose of this report is to provide the Board of Supervisors an update of recent engineering related activities. We will continue to provide updated monthly reports on the status of ongoing activities.

II. CURRENT ITEMS

The following items are currently outstanding:

1. Strategic Operational Plan
2. Prior Board Meeting Inquiries
3. SFWMD Env. Resources Permit No. 11-02031-P Compliance Status

1. Strategic Operational Plan

Current Assets

- Landscape Maintenance
 - Front Entrance Zoysia grass replaced due to mole crickets (60 SF).
 - Fakahatchee grass trimmed along Immokalee canal bank completed on October 9th.
- Lake Maintenance
 - Aquatic lake and wetland plant Vendor – Contract terminated in September, with new vendor commencing in this new fiscal year. Review of lakes system and current conditions, with an approved services approach for spraying a priority.
 - Aqua range sprayed on north bank of lake 7 to allow golf course staff retrieval of range balls.
- Irrigation Pump Station
 - Recharge well pump at Hole #11 broken and replaced with 15 HP motor for consistency.
 - Two (2) main breaks repaired along front entrance east and west of bridge.
- Entrance Features
 - Electrical outlets (9) installed in center median to expand holiday lighting.
 - Larger electrical breaker installed to address ongoing west fountain service tripping condition at panel.
 - Holiday Lighting schedule to be completed before November.

Capital Projects

- Lakes walked with vendor to confirm bank slope conditions (anticipated start in March 2024)

Future Items

- Front Entrance tree trimming scheduled for the week of Oct. 9th.
- Front Entrance pine straw scheduled for Oct. 16th – 19th.
- Front Entrance pressure cleaning date/time TBD.
- Lakes / drainage system annual inspection/cleaning of storm system start in 1st quarter.
- Stop Sign replacement by sign vendor date/time TBD.

2. Prior Board Meeting Inquiries

None

3. SFWMD Env. Resources Permit No. 11-02031-P Compliance Status

The District received an email from South Florida Water Management District (SFWMD) on 8/15/23 notifying the District of the wetland monitoring reports required for the offsite northern preserves (areas 4 & 5) being past due. This permit is jointly in both the CDD and HOA's name and covers the external preserve maintenance, monitoring, and reporting.

The staff has re-engaged our environmental consultant Hugh Dinkler, along with Susan Martin to begin discussions with SFWMD on the next steps to bring the permit back into compliance, and to discuss with SFWMD the CDD's request to prevent the permit from being placed in a non-compliance state. As of now, SFWMD has not signed off/certified completion of areas 4 & 5 and our team is scheduled to discuss with SFWMD a proposed monitoring schedule and timing on a plan to bring the permit into compliance. The meeting is scheduled for September 15th, and staff will provide an update during our Board Meeting on the results of that discussion.

Once we have an agreed upon plan for maintenance, monitoring and reporting external preserves to keep the permit in compliance, we can develop a multi-year budget that will be presented to the Board.

UPDATE – 'Overdue Monitoring Report' letter received from SFWMD on 9/25/23. Environmental consultant completing preserves compliance evaluation with permit minor modification submittal before 10/25/23 deadline.

PERMITTING

We are continuing our ongoing work of identifying permits that have been obtained for the development of the District's infrastructure. The below list is not complete, and will be updated periodically:

Permit Agency / Project Name	Permit Number	Date Received	Date Expires	Permitee-Constructed by	Current Status
Collier County Latest Flow Way CDD County PUD Modification	Ordinance 20-30	10/13/21	Current	Flow Way CDD	Operation Phase
South Florida Water Management District (SFWMD) ERP Permit Modification	11-02031-P	9/13/07	9/13/12	I. M. Collier Joint Venture (Mirasol)	Operation Phase: Active
SFWMD Water Use	11-02032-W	5/13/20	5/15/25	Taylor Morrison Esplanade Naples, LLC	Operation Phase: Active
SFWMD ROW Occupation Permit	11652 (App. No: 12-1113-2M)	6/13/13	6/30/14	Taylor Morrison Esplanade Naples, LLC	Closed
Army Corps of Engineers (ACOE)	SAJ-2000-01926 (IP-HWB)	12/7/12	11/5/17	IM Collier Joint Venture	Operation Phase; Issued (06/08/2016)
Esplanade G&CC of Naples - Hatcher Parcel -- Plans & Plat	PL20190001680	4/28/20	4/28/23	Taylor Morrison Esplanade Naples LLC	Site Inspection – Add Application Type
Esplanade Golf and Country Club of Naples - Amenity Campus (SDPA	PL20210000129	01/19/21	11/23/26	TAYLOR MORRISON ESPLANADE NAPLES LLC	Site Inspection – Add Application Type

Permit Agency / Project Name	Permit Number	Date Received	Date Expires	Permittee-Constructed by	Current Status
Esplanade Golf & Country Club of Naples - Culinary Center (SDPA)	PL20170002663	07/20/17	07/04/21	TAYLOR MORRISON ESPLANADE NAPLES LLC	Site Inspection – Add Application Type
Esplanade Golf & Country Club – Driving Range Improvements	PL20230001832	02/02/2023		ESPLANADE GOLF & COUNTRY CLUB OF NAPLES INC	Complete – Add Application Type
Esplanade Golf and Country Club of Naples – Hatcher Parcel (UTCP)(UTCF)	PL20200002660	12/30/2020		TAYLOR MORRISON ESPLANADE NAPLES LLC	Under Review - Closed for Uploads

*Additional Collier County permits completed, available upon request.

III. ENGINEER’S REPORT COMPLETE

By: _____

By: James Messick, P.E.
District Engineer

State of Florida Registration No. 70870

APPENDIX A

LOCATION MAP



Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS™

1800 Eller Drive, Suite 600 · Fort Lauderdale, FL 33316

(phone) 954.921.7781 · (fax) 954.266.6487

Certificate of Authorization #514

APPENDIX B

LEGAL DESCRIPTION

All of ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES PLAT, according to the plat thereof, as recorded in Plat Book 53, Pages 1 through 64, include all subsequent plat revisions and amendments in the Public Records of Collier County, Florida.

**APPENDIX C
ASSET IMPROVEMENT PICTURES**



Before new Zoysia grass repaired at front entrance.



After new Zoysia grass repaired at front entrance.



Washout on lank bank before repair



Washout on lank bank before repair



Palm tree and hardwood trimming.



Palm tree and hardwood trimming.



Palm tree and hardwood trimming.



Palm tree and hardwood trimming.

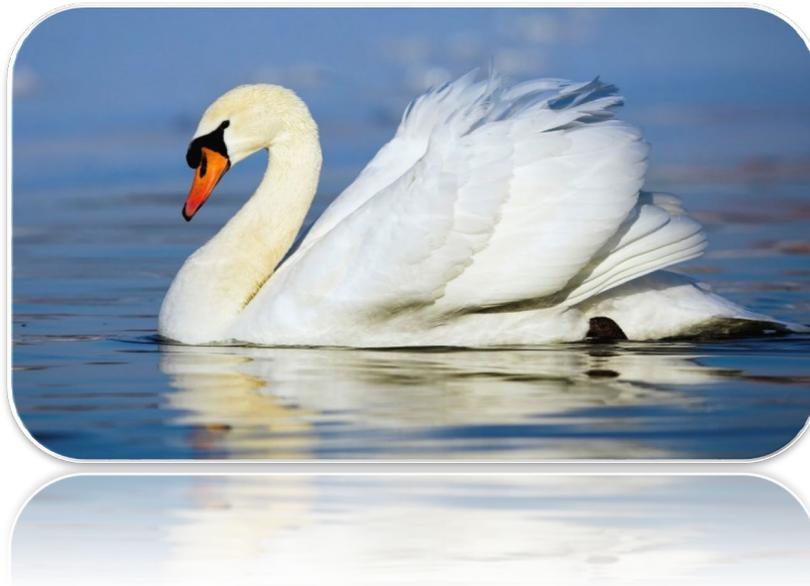


Palm tree and hardwood trimming.



New annuals installed at front entrance.

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT



FINANCIAL STATEMENTS - SEPTEMBER 2023

FISCAL YEAR 2023

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2301 NORTHEAST 37TH STREET, FORT LAUDERDALE, FL 33308

T: 954-658-4900 E: JimWard@JPWardAssociates.com

Flow Way Community Development District

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JPWard & Associates, LLC

2301 NORTHEAST 37 STREET
FORT LAUDERDALE,
FLORIDA 33308

**Flow Way Community Development District
Balance Sheet
for the Period Ending September 30, 2023**

	Governmental Funds			Debt Service Funds				Capital Projects Funds			Account Groups	Totals
	General Fund	Series 2013	Series 2015 (Phase 3)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 8 Hatcher)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 - 8)	General Long Term Debt	(Memorandum Only)
Assets												
Cash and Investments												
General Fund - Invested Cash	\$ 756,571	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 756,571
Debt Service Fund												
Interest Account	-	-	-	-	-	-	-	-	-	-	-	-
Sinking Account	-	-	-	-	-	-	-	-	-	-	-	-
Reserve Account	-	539,000	244,881	160,448	174,534	118,375	255,031	-	-	-	-	1,492,270
Revenue	-	489,586	303,534	183,355	278,236	181,060	413,494	-	-	-	-	1,849,264
Prepayment Account	-	-	435	192	-	-	1,519	-	-	-	-	2,146
General Redemption Account	-	-	-	2,526	-	-	-	-	-	-	-	2,526
Construction	-	-	-	-	-	-	-	239	160	2,171	-	2,570
Cost of Issuance	-	-	-	-	-	-	-	-	-	-	-	-
Retainage Account	-	-	-	-	-	-	-	-	-	-	-	-
Due from Other Funds												
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-
Market Valuation Adjustments												
Accrued Interest Receivable	-	-	-	-	-	-	-	-	-	-	-	-
Accounts Receivable	472,420	-	-	-	-	-	-	-	-	-	-	472,420
Deposits - FPL	10,076	-	-	-	-	-	-	-	-	-	-	10,076
Amount Available in Debt Service Funds	-	-	-	-	-	-	-	-	-	-	3,346,207	3,346,207
Amount to be Provided by Debt Service Funds	-	-	-	-	-	-	-	-	-	-	25,103,793	25,103,793
Investment in General Fixed Assets (net of depreciation)	-	-	-	-	-	-	-	-	-	-	-	-
Total Assets	\$ 1,239,066	\$ 1,028,586	\$ 548,851	\$ 346,521	\$ 452,770	\$ 299,435	\$ 670,044	\$ 239	\$ 160	\$ 2,171	\$ 28,450,000	\$ 33,037,843

**Flow Way Community Development District
Balance Sheet
for the Period Ending September 30, 2023**

	Governmental Funds											Account Groups	Totals (Memorandum Only)	
	General Fund	Debt Service Funds			Capital Projects Funds				General Long Term Debt					
		Series 2013	Series 2015 (Phase 3)	Series 2015 (Phase 4)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 8 Hatcher)	Series 2016 (Phase 5)	Series 2017 (Phase 6)	Series 2019 (Phase 7 - 8)				
Liabilities														
Accounts Payable & Payroll Liabilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Due to Other Funds														
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects Fund(s)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Unavailable Revenue	\$ 472,420	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 472,420
Bonds Payable														
Current Portion	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Long Term	-	-	-	-	-	-	-	-	-	-	-	-	28,450,000	28,450,000
Unamortized Prem/Disc on Bds Pybl	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Liabilities	\$ 472,420	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,450,000	\$ 28,922,420
Fund Equity and Other Credits														
Investment in General Fixed Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fund Balance														
Restricted														
Beginning: October 1, 2022 (Audited)	-	997,116	526,139	337,797	442,254	298,616	653,990	25,623	16,785	34,296	-	-	-	3,332,616
Results from Current Operations	-	31,469	22,712	8,724	10,516	819	16,054	(25,384)	(16,625)	(32,125)	-	-	-	16,161
Unassigned														
Beginning: October 1, 2022 (Audited)	(65,145)	-	-	-	-	-	-	-	-	-	-	-	-	(65,145)
Results from Current Operations	831,791	-	-	-	-	-	-	-	-	-	-	-	-	831,791
Total Fund Equity and Other Credits	\$ 766,647	\$ 1,028,586	\$ 548,851	\$ 346,521	\$ 452,770	\$ 299,435	\$ 670,044	\$ 239	\$ 160	\$ 2,171	\$ -	\$ -	\$ -	\$ 4,115,424
Total Liabilities, Fund Equity and Other Credits	\$ 1,239,066	\$ 1,028,586	\$ 548,851	\$ 346,521	\$ 452,770	\$ 299,435	\$ 670,044	\$ 239	\$ 160	\$ 2,171	\$ 28,450,000	\$ -	\$ 28,450,000	\$ 33,037,843

Flow Way Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ (85,253)	0%
Interest															
Interest - General Checking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Special Assessment Revenue															
Special Assessments - On-Roll	12,295	407,003	985,271	51,356	58,264	28,698	38,518	11,863	6,820	87	-	-	1,600,174	1,594,494	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Other Financing Sources-Truist Loan Proceeds	500,000												500,000	500,000	N/A
Contributions Private Sources	-												-	-	N/A
Intragovernmental Transfer In	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 512,295	\$ 407,003	\$ 985,271	\$ 51,356	\$ 58,264	\$ 28,698	\$ 38,518	\$ 11,863	\$ 6,820	\$ 87	\$ -	\$ -	2,100,174	\$ 2,009,241	105%
Expenditures and Other Uses															
Legislative															
Board of Supervisor's Fees	-	2,000	800	-	1,200	800	1,800	-	800	2,000	-	2,000	11,400	12,000	95%
Executive															
Professional Management	3,333	3,333	3,333	3,333	3,333	3,333	3,333	3,333	3,333	3,333	3,333	3,333	40,000	40,000	100%
Financial and Administrative															
Audit Services	-	-	-	5,600	-	-	-	-	-	-	-	-	5,600	5,700	98%
Accounting Services	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	16,000	16,000	100%
Assessment Roll Services	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	1,333	16,000	16,000	100%
Arbitrage Rebate Services	-	-	500	1,500	500	-	-	-	500	-	-	500	3,500	3,000	117%
Other Contractual Services															
Recording and Transcription	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Legal Advertising	-	277	273	-	-	280	-	-	-	1,638	-	1,344	3,812	3,500	109%
Trustee Services	-	3,950	-	8,573	-	-	-	8,654	-	-	-	4,246	25,423	26,665	95%
Dissemination Agent Services	-	-	-	-	-	5,500	-	350	-	-	-	-	5,850	5,500	106%
Property Appraiser Fees	2,750	-	-	296	-	-	-	24	-	-	-	-	3,070	10,000	31%
Bank Services	15	11	-	-	-	-	-	115	-	-	70	20	232	300	77%
Travel and Per Diem	-	-	-	-	-	-	-	-	-	-	-	562	562	-	N/A
Communications & Freight Services															
Postage, Freight & Messenger	-	229	-	-	-	-	-	40	57	-	30	10	366	250	146%
Rentals & Leases															
Meeting Room Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Computer Services - Website Development															
Insurance	-	11,196	-	-	-	-	-	-	-	-	-	-	11,196	15,000	75%
Printing & Binding	-	-	-	-	-	-	-	-	-	-	88	255	343	250	137%
Office Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Subscription & Memberships	-	175	-	-	-	-	-	-	-	-	-	-	175	175	100%
Legal Services															
Legal - General Counsel	-	1,967	4,659	1,845	-	-	-	2,005	-	1,751	6,258	2,280	20,764	20,000	104%
SFWMD - Permit Objection										45			45		

**Flow Way Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023**

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Special Counsel - Litigation	-	35,667	22,705	-	-	11,317	-	16,321	-	23,034	5,295	3,969	118,309	175,000	68%
Special Counsel - Court Reporter/Arbitrator	-	-	4,005	-	-	945	725	300	-	-	440	-	6,415	-	N/A
Special Counsel - Experts for Legal Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Special Counsel - Appellate Court	-	-	-	-	-	3,953	-	8,948	-	12,276	30,969	47	56,192	-	N/A
Truist Loan - Legal Fees	20,000	-	-	-	-	-	-	-	-	-	-	2,048	22,048	19,000	116%
Other General Government Services															
Engineering Services - General Fund	-	3,045	2,388	2,150	4,083	8,744	-	10,933	5,045	4,575	3,508	3,738	48,207	55,000	88%
Miscellaneous Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Boardwalk & Golf Cart Review	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Asset Evaluation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Stormwater Needs Analysis	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Strategic Operations Plan	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Capital Outlay	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Community Wide Irrigation System															
Professional Services															
Asset Management	-	938	938	938	-	1,875	-	1,875	938	938	-	938	9,375	11,250	83%
Consumptive Use Permit Monitor	-	-	-	-	-	-	-	-	-	-	-	-	-	16,000	0%
Utility Services															
Electric - Pump Station	-	3,014	-	-	-	21,042	-	9,249	3,839	-	7,207	3,429	47,781	32,000	149%
Electric - Recharge Pumps	-	112	-	932	2,466	3,076	28	2,686	1,081	-	3,114	1,576	15,072	8,000	188%
Repairs and Maintenance															
Pump Station and Wells	410	155	572	410	1,960	965	1,246	-	-	-	8,150	900	14,768	30,000	49%
Recharge Pumps	-	-	-	-	-	-	-	-	-	115	10,031	90,724	100,870	8,500	1187%
Main Line Irrigation System	-	-	-	-	-	-	-	-	-	1,500	1,439	2,709	5,648	6,600	86%
Contingencies	-	-	-	-	-	-	-	-	-	-	-	-	-	5,957	0%
Capital Outlay															
New Meter and Backup Pump/Motor	-	-	-	150	-	3,161	-	-	-	-	-	-	3,311	28,000	12%
Stormwater Management Services															
Preserve Area Maintenance															
Environmental Engineering Consultant															
Task 1 - Bid Documents	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Task 2 - Monthly site visits	-	-	-	-	-	-	-	-	-	-	-	-	-	13,350	0%
Task 3 - Reporting to Regulatory Agencies	-	-	-	-	-	-	-	-	-	-	-	-	-	8,000	0%
Task 4 - Fish Sampling to US Fish & Wildlife	-	-	-	-	-	-	-	-	-	-	-	-	-	10,350	0%
Task 5 - Attendance at Board Meeting	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	0%
Clearing Downed Trees/Cleanup	-	-	-	-	-	-	-	-	700	1,245	-	270	2,215	1,000	222%
Code Enforcement for Incursion into Preserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Contingencies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Repairs and Maintenance															
Wading Bird Foraging Areas	-	-	-	-	-	-	-	-	-	-	-	-	-	1,523	0%
Internal Preserves	-	-	-	-	-	-	-	-	-	-	-	-	-	6,598	0%
Western Preserve	-	-	-	-	-	-	-	-	-	-	-	-	-	3,333	0%

**Flow Way Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023**

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Northern Preserve Area 1	-	-	-	-	-	-	-	-	-	-	-	-	-	3,333	0%
Northern Preserve Area 2	-	-	-	-	-	-	-	-	-	-	-	-	-	3,334	0%
Northern Preserve Areas 1&2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Clearing Downed Trees/Cleanup	-	-	-	-	-	-	-	-	-	-	-	4,607	4,607	5,000	92%
Code Enforcement for Incursion into Preserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Installation - No Trespassing Signs	-	-	-	-	-	-	-	-	-	-	-	9,371	9,371	-	N/A
Capital Outlay															
Capital Outlay - Stormwater Mgmt										27,092			27,092		
Internal and External	-	-	-	-	-	-	-	-	-	-	-	2,318	2,318	55,000	4%
Lake, Lake Bank and Littoral Shelf Maintenance															
Professional Services															
Asset Management	-	1,800	1,800	1,800	-	3,600	-	3,600	1,800	1,800	-	1,800	18,000	21,600	83%
NPDES Monitoring	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Repairs & Maintenance															
Aquatic Weed Control	-	5,100	5,100	7,500	-	36,175	-	12,000	12,000	15,800	12,000	12,000	117,675	104,000	113%
Littortal Shelf-Invasive Plant Control/Monitoring	-	2,800	2,800	4,500	-	-	-	12,000	-	995	-	-	23,095	66,000	35%
Lake Bank Maintenance	-	-	-	-	-	1,990	1,990	400	1,250	-	-	-	5,630	15,000	38%
Water Quality Testing	-	-	-	-	-	-	-	7,850	3,925	-	-	3,925	15,700	14,500	108%
Littortal Shelf Planting	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000	0%
Aeration System	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Control Structures, Catch Basins & Outfalls	-	-	-	-	-	-	2,907	900	500	-	800	-	5,107	12,000	43%
Contingencies	-	-	-	-	-	-	-	-	-	-	-	-	-	15,505	0%
Capital Outlay															
Fountain Installations	-	-	-	-	-	-	-	-	-	-	-	700	700	-	N/A
Littortal Shelf Planting	-	-	-	-	-	-	-	-	-	-	-	-	-	4,000	0%
Lake Bank Restorations	-	2,740	700	600	-	400	-	54,105	10,700	700	-	4,400	74,345	183,128	41%
Water Control Structures	-	-	-	-	-	6,400	-	22,893	7,500	-	-	-	36,793	31,000	119%
Contingencies	-	-	-	450	-	-	-	-	2,833	-	-	-	3,283	-	N/A
Landscaping Services															
Professional Services															
Asset Management	-	771	771	771	-	1,542	-	1,542	771	771	-	771	7,708	9,250	83%
Utility Services															
Electric - Landscape Lighting	-	-	-	-	-	-	-	-	-	-	-	-	-	19,600	0%
Potable Water - Fountains	-	-	-	-	-	-	-	1,543	-	3,737	158	735	6,174	2,400	257%
Community Entrance (Landscaping)															
Repairs and Maintenance															
Landscaping Maintenance	-	7,930	7,930	-	-	23,790	7,930	7,930	-	7,930	7,930	7,930	79,300	95,000	83%
Tree Trimming	-	-	-	-	-	-	-	-	-	-	-	17,575	17,575	8,000	220%
Landscape Replacements	-	-	-	-	-	10,905	5,396	-	-	4,680	-	-	20,981	10,000	210%
Mulch Installation	-	-	8,686	-	-	-	-	-	-	-	-	-	8,686	12,500	69%
Annuals	-	-	-	15,200	-	-	-	-	-	-	34,159	-	49,359	32,000	N/A
Annual Holiday Decorations	-	5,650	5,650	-	-	-	-	-	-	-	-	-	11,300	18,000	N/A

**Flow Way Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023**

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Landscape Lighting	-	-	-	-	-	-	-	-	-	767	-	-	767	3,600	N/A
Landscape Monuments	-	-	-	-	-	-	-	-	-	-	-	-	-	7,200	N/A
Fountains	-	805	1,285	-	805	6,599	25,270	-	750	1,365	1,569	-	38,448	18,500	N/A
Bridge & Roadway - Main Entrance	-	-	-	-	-	3,845	-	-	31,260	-	853	-	35,958	13,500	266%
Miscellaneous Repairs	-	-	-	-	-	1,037	-	-	-	2,825	2,289	1,158	7,309	3,000	N/A
Capital Outlay - Landscaping	-	-	-	-	-	-	-	-	-	4,013	-	-	4,013	-	N/A
Contingencies	-	-	-	-	-	2,725	-	-	-	-	-	-	2,725	15,491	18%
Debt Service															
Principal	-	-	-	-	-	-	-	-	-	-	-	-	-	500,000	N/A
Interest	-	-	-	-	-	-	-	-	-	-	19,817	-	19,817	12,200	N/A
Reserves and Overall Contingencies															
District Asset Restoration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Contingencies	-	-	-	-	-	-	-	-	-	-	-	-	-	68,800	N/A
Intragovernmental Transfer Out															
Sub-Total:	29,176	96,329	77,562	59,214	17,014	166,666	53,292	192,263	92,248	127,592	162,174	194,854	1,268,383	2,009,241	63%
Total Expenditures and Other Uses:	\$ 29,176	\$ 96,329	\$ 77,562	\$ 59,214	\$ 17,014	\$ 166,666	\$ 53,292	\$ 192,263	\$ 92,248	\$ 127,592	\$ 162,174	\$ 194,854	\$ 1,268,383	\$ 2,009,241	63%
Net Increase/ (Decrease) in Fund Balance	483,119	310,674	907,710	(7,857)	41,250	(137,968)	(14,773)	(180,401)	(85,428)	(127,505)	(162,174)	(194,854)	831,791	-	
Fund Balance - Beginning	(65,145)	417,974	728,648	1,636,358	1,628,500	1,669,751	1,531,782	1,517,009	1,336,608	1,251,180	1,123,675	961,501	(65,145)	-	
Fund Balance - Ending	\$ 417,974	\$ 728,648	\$ 1,636,358	\$ 1,628,500	\$ 1,669,751	\$ 1,531,782	\$ 1,517,009	\$ 1,336,608	\$ 1,251,180	\$ 1,123,675	\$ 961,501	\$ 766,647	766,647	\$ -	

Flow Way Community Development District
Debt Service Fund - Series 2013
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest Income															
Interest Account	-	0	-	-	-	-	-	0	-	-	-	-	0	-	#DIV/0!
Sinking Fund	-	0	-	-	-	-	-	-	-	-	-	-	0	-	N/A
Reserve Account	5,845	0	0	0	7	97	136	5,913	171	168	186	245	12,771	11,000	116%
Prepayment Account	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Revenue Account	2	2	1	1	80	1,090	1,534	1,783	1,444	1,501	1,670	2,213	11,320	-	N/A
Special Assessment Revenue															
Special Assessments - On-Roll	4,159	137,688	333,314	17,374	19,711	9,708	13,031	4,013	2,307	29	-	-	541,334	539,344	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Intragovernmental Transfer In															
Intragovernmental Transfer In	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 10,006	\$ 137,690	\$ 333,315	\$ 17,375	\$ 19,798	\$ 10,896	\$ 14,701	\$ 11,710	\$ 3,922	\$ 1,699	\$ 1,856	\$ 2,458	565,425	\$ 550,344	N/A
Expenditures and Other Uses															
Property Appraiser & Tax Collection Fees	930.45	-	-	-	-	-	-	-	-	-	-	-	930	\$ -	N/A
Debt Service															
Principal Debt Service - Mandatory															
Series 2013 Bonds	-	130,000	-	-	-	-	-	-	-	-	-	-	130,000	\$ 130,000	100%
Principal Debt Service - Early Redemptions															
Series 2013 Bonds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Interest Expense															
Series 2013 Bonds	-	203,463	-	-	-	-	-	199,563	-	-	-	-	403,025	410,525	98%
Operating Transfers Out (To Other Funds)															
Operating Transfers Out (To Other Funds)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Expenditures and Other Uses:	\$ 930	\$ 333,463	\$ 0	\$ 199,563	\$ 0	\$ 0	\$ 0	\$ 0	\$ 533,955	\$ 540,525	N/A				
Net Increase/ (Decrease) in Fund Balance	9,076	(195,772)	333,315	17,375	19,798	10,896	14,701	(187,853)	3,922	1,699	1,856	2,458	31,469	9,819	
Fund Balance - Beginning	997,116	1,006,192	810,420	1,143,735	1,161,110	1,180,907	1,191,803	1,206,504	1,018,651	1,022,573	1,024,272	1,026,128	997,116		
Fund Balance - Ending	\$ 1,006,192	\$ 810,420	\$ 1,143,735	\$ 1,161,110	\$ 1,180,907	\$ 1,191,803	\$ 1,206,504	\$ 1,018,651	\$ 1,022,573	\$ 1,024,272	\$ 1,026,128	\$ 1,028,586	1,028,586	\$ 9,819	

Flow Way Community Development District
Debt Service Fund - Series 2015 (Phase 3)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest Income															
Interest Account	-	0	-	-	-	-	-	0	-	-	-	-	0	-	N/A
Sinking Fund	-	0	-	-	-	-	-	-	-	-	-	-	0	-	N/A
Reserve Account	2,670	0	0	0	3	43	60	2,698	75	74	81	106	5,810	5,300	110%
Prepayment Account	-	-	-	-	0	2	2	4	0	1	1	2	12	-	N/A
Revenue Account	1	1	1	1	46	629	884	1,037	906	932	1,037	1,372	6,846	-	N/A
Special Assessment Revenue															
Special Assessments - On-Roll	1,974	65,340	158,175	8,245	9,354	4,607	6,184	1,904	1,095	14	-	-	256,892	255,873	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Special Assessments - Prepayment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Intragovernmental Transfers In															
Debt Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 4,645	\$ 65,342	\$ 158,176	\$ 8,245	\$ 9,403	\$ 5,280	\$ 7,130	\$ 5,643	\$ 2,076	\$ 1,020	\$ 1,119	\$ 1,480	269,560	\$ 261,173	N/A
Expenditures and Other Uses															
Property Appraiser & Tax Collection Fees	442	-	-	-	-	-	-	-	-	-	-	-	442	\$ -	N/A
Debt Service															
Principal Debt Service - Mandatory															
Series 2015 Bonds (Phase 3)	-	75,000	-	-	-	-	-	-	-	-	-	-	75,000	\$ 75,000	100%
Principal Debt Service - Early Redemptions															
Series 2015 Bonds (Phase 3)	-	-	-	-	-	-	-	5,000	-	-	-	-	5,000	-	N/A
Interest Expense															
Series 2015 Bonds (Phase 3)	-	84,000	-	-	-	-	-	82,406	-	-	-	-	166,406	166,406	100%
Operating Transfers Out (To Other Funds)															
Total Expenditures and Other Uses:	\$442	\$159,000	\$0	\$0	\$0	\$0	\$0	\$87,406	\$0	\$0	\$0	\$0	\$246,848	\$241,406	N/A
Net Increase/ (Decrease) in Fund Balance	4,203	(93,658)	158,176	8,245	9,403	5,280	7,130	(81,763)	2,076	1,020	1,119	1,480	22,712	19,767	
Fund Balance - Beginning	526,139	530,342	436,684	594,859	603,105	612,508	617,788	624,919	543,156	545,232	546,252	547,370	526,139	-	
Fund Balance - Ending	\$ 530,342	\$ 436,684	\$ 594,859	\$ 603,105	\$ 612,508	\$ 617,788	\$ 624,919	\$ 543,156	\$ 545,232	\$ 546,252	\$ 547,370	\$ 548,851	548,851	\$ 19,767	

Flow Way Community Development District
Debt Service Fund - Series 2015 (Phase 4)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest Income															
Interest Account	-	0	-	-	-	-	-	0	-	-	-	-	0	-	N/A
Sinking Fund	-	0	-	-	-	-	-	-	-	-	-	-	0	-	N/A
Reserve Account	1,756	0	0	0	2	27	38	1,772	47	46	51	67	3,806	3,500	109%
Prepayment Account	-	-	-	-	0	0	1	2	-	0	1	1	5	-	N/A
Revenue Account	1	1	0	0	30	415	583	677	540	562	625	829	4,264	8	53294%
General Redemption Account	0	0	0	0	0	4	6	8	8	8	9	11	54	-	N/A
Special Assessment Revenue															
Special Assessments - On-Roll	1,668	55,208	133,647	6,966	7,903	3,893	5,225	1,609	925	12	-	-	217,055	216,342	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Special Assessments - Prepayments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Operating Transfers In (To Other Funds)															
Debt Proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 3,424	\$ 55,209	\$ 133,647	\$ 6,966	\$ 7,936	\$ 4,339	\$ 5,853	\$ 4,069	\$ 1,519	\$ 628	\$ 686	\$ 908	225,184	\$ 219,850	N/A
Expenditures and Other Uses															
Property Appraiser & Tax Collection Fees	373.07	-	-	-	-	-	-	-	-	-	-	-	373	\$ -	N/A
Debt Service															
Principal Debt Service - Mandatory															
Series 2015 Bonds (Phase 4)	-	60,000	-	-	-	-	-	-	-	-	-	-	60,000	\$ 60,000	100%
Principal Debt Service - Early Redemptions															
Series 2015 Bonds (Phase 4)	-	-	-	-	-	-	-	5,000	-	-	-	-	5,000	-	N/A
Interest Expense															
Series 2015 Bonds (Phase 4)	-	76,313	-	-	-	-	-	74,775	-	-	-	-	151,088	151,356	100%
Operating Transfers Out (To Other Funds)															
Total Expenditures and Other Uses:	\$373	\$136,313	\$0	\$0	\$0	\$0	\$0	\$79,775	\$0	\$0	\$0	\$0	\$216,461	\$211,356	N/A
Net Increase/ (Decrease) in Fund Balance	3,051	(81,104)	133,647	6,966	7,936	4,339	5,853	(75,706)	1,519	628	686	908	8,724	8,494	
Fund Balance - Beginning	337,797	340,849	259,745	393,392	400,358	408,294	412,633	418,486	342,780	344,299	344,927	345,613	337,797		
Fund Balance - Ending	\$ 340,849	\$ 259,745	\$ 393,392	\$ 400,358	\$ 408,294	\$ 412,633	\$ 418,486	\$ 342,780	\$ 344,299	\$ 344,927	\$ 345,613	\$ 346,521	346,521	\$ 8,494	

Flow Way Community Development District
Debt Service Fund - Series 2016 (Phase 5)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest Income															
Interest Account	-	0	-	-	-	-	-	0	-	-	-	-	0	-	N/A
Sinking Fund	-	0	-	-	-	-	-	-	-	-	-	-	0	-	N/A
Reserve Account	1,893	0	0	0	2	31	44	1,915	55	54	60	79	4,136	3,700	112%
Prepayment Account	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Revenue Account	1	1	0	0	45	624	878	1,019	818	853	949	1,258	6,447	12	53728%
Special Assessment Revenue															
Special Assessments - On-Roll	2,700	89,393	216,402	11,280	12,797	6,303	8,460	2,605	1,498	19	-	-	351,458	350,060	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Debt Proceeds															
Operating Transfers In (To Other Funds)	-	-	-	-	-	54	-	-	-	-	-	-	54	-	N/A
Total Revenue and Other Sources:	\$ 4,595	\$ 89,394	\$ 216,402	\$ 11,280	\$ 12,845	\$ 7,013	\$ 9,382	\$ 5,540	\$ 2,371	\$ 927	\$ 1,010	\$ 1,338	362,095	\$ 353,772	N/A
Expenditures and Other Uses															
Property Appraiser & Tax Collection Fees	604.09	-	-	-	-	-	-	-	-	-	-	-	604	\$ -	N/A
Debt Service															
Principal Debt Service - Mandatory															
Series 2016 Bonds (Phase 5)	-	110,000	-	-	-	-	-	-	-	-	-	-	110,000	\$ 110,000	100%
Principal Debt Service - Early Redemptions															
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Interest Expense															
Series 2016 Bonds (Phase 5)	-	119,589	-	-	-	-	-	117,196	-	-	-	-	236,785	236,785	100%
Operating Transfers Out (To Other Funds)	0	1,893	0	0	2	31	44	1,915	110	54	60	79	4,190	-	N/A
Total Expenditures and Other Uses:	\$604	\$231,482	\$0	\$0	\$2	\$31	\$44	\$119,112	\$110	\$54	\$60	\$79	\$351,580	\$346,785	N/A
Net Increase/ (Decrease) in Fund Balance	3,990	(142,088)	216,402	11,280	12,842	6,981	9,338	(113,572)	2,261	872	949	1,258	10,516	6,987	
Fund Balance - Beginning	442,254	446,245	304,157	520,559	531,839	544,682	551,663	561,000	447,429	449,690	450,562	451,512	442,254		
Fund Balance - Ending	\$ 446,245	\$ 304,157	\$ 520,559	\$ 531,839	\$ 544,682	\$ 551,663	\$ 561,000	\$ 447,429	\$ 449,690	\$ 450,562	\$ 451,512	\$ 452,770	452,770	\$ 6,987	

Flow Way Community Development District
Debt Service Fund - Series 2017 (Phase 6)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest Income															
Interest Account	-	0	-	-	-	-	-	0	-	-	-	-	0	-	N/A
Sinking Fund	-	0	-	-	-	-	-	-	-	-	-	-	0	-	N/A
Reserve Account	1,284	0	0	0	2	21	30	1,299	37	37	41	54	2,804	2,200	127%
Prepayment Account	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Revenue Account	1	1	0	0	30	411	578	670	531	555	618	819	4,214	8	52669%
Special Assessment Revenue															
Special Assessments - On-Roll	1,834	60,700	146,943	7,659	8,689	4,280	5,745	1,769	1,017	13	-	-	238,649	237,599	100%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Debt Proceeds															
Operating Transfers In (To Other Funds)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 3,118	\$ 60,701	\$ 146,943	\$ 7,659	\$ 8,721	\$ 4,712	\$ 6,353	\$ 3,738	\$ 1,585	\$ 605	\$ 659	\$ 873	245,667	\$ 239,807	N/A
Expenditures and Other Uses															
Property Appraiser & Tax Collection Fees	410.19	-	-	-	-	-	-	-	-	-	-	-	410	\$ -	N/A
Debt Service															
Principal Debt Service - Mandatory															
Series 2017 Bonds (Phase 6)	-	70,000	-	-	-	-	-	-	-	-	-	-	70,000	\$ 70,000	100%
Principal Debt Service - Early Redemptions															
Series 2017 Bonds (Phase 6)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Interest Expense															
Series 2017 Bonds (Phase 6)	-	81,488	-	-	-	-	-	80,263	-	-	-	-	161,750	161,750	100%
Debt Service-Other Costs															
Operating Transfers Out (To Other Funds)	0	1,284	0	0	2	21	30	1,299	37	37	41	54	2,804	-	N/A
Total Expenditures and Other Uses:	\$410	\$152,771	\$0	\$0	\$2	\$21	\$30	\$81,561	\$37	\$37	\$41	\$54	\$234,965	\$231,750	N/A
Net Increase/ (Decrease) in Fund Balance	2,708	(92,070)	146,943	7,659	8,719	4,691	6,323	(77,823)	1,548	568	618	819	10,702	8,057	
Fund Balance - Beginning	288,733	291,441	199,370	346,313	353,972	362,692	367,383	373,705	295,882	297,430	297,998	298,616	288,733		
Fund Balance - Ending	\$ 291,441	\$ 199,370	\$ 346,313	\$ 353,972	\$ 362,692	\$ 367,383	\$ 373,705	\$ 295,882	\$ 297,430	\$ 297,998	\$ 298,616	\$ 299,435	299,435	\$ 8,057	

Flow Way Community Development District
Debt Service Fund - Series 2019 (Phase 7, Phase 8 and Hatcher)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources															
Carryforward - Capitalized Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest Income															
Interest Account	-	-	-	-	-	-	-	0	-	-	-	-	0	-	N/A
Sinking Account	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Reserve Account	1	1	1	1	34	462	649	778	806	799	881	1,159	5,573	15	37150%
Prepayment Account	-	-	-	-	-	0	23	90	0	3	5	7	128	-	N/A
Revenue Account	2	2	0	0	67	919	1,293	1,502	1,216	1,268	1,411	1,870	9,549	15	63662%
Special Assessment Revenue															
Special Assessments - On-Roll	3,976	131,627	318,643	16,609	18,843	9,281	-	3,836	2,205	28	-	-	505,049	515,479	98%
Special Assessments - Off-Roll	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Special Assessments - Prepayments	-	-	-	-	-	29,502	12,457	-	-	-	-	-	41,959	-	N/A
Debt Proceeds															
Operating Transfers In (To Other Funds)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 3,979	\$ 131,630	\$ 318,644	\$ 16,610	\$ 18,944	\$ 40,164	\$ 14,422	\$ 6,207	\$ 4,227	\$ 2,097	\$ 2,297	\$ 3,036	562,259	\$ 515,509	N/A
Expenditures and Other Uses															
Property Appraiser & Tax Collection Fees	889.49	-	-	-	-	-	-	-	-	-	-	-	889	\$ -	N/A
Debt Service															
Principal Debt Service - Mandatory															
Series 2019 Bonds (Phase 7,8,Hatcher)	-	170,000	-	-	-	-	-	-	-	-	-	-	170,000	\$ 170,000	100%
Principal Debt Service - Early Redemptions															
Series 2019 Bonds (Phase 7,8,Hatcher)	-	-	-	-	-	-	-	30,000	-	-	-	-	30,000	-	N/A
Interest Expense															
Series 2019 Bonds (Phase 7,8,Hatcher)	-	171,295	-	-	-	-	-	168,448	-	-	-	-	339,743	339,743	100%
Debt Service-Other Costs															
Operating Transfers Out (To Other Funds)	1	1	1	1	34	462	649	778	806	799	881	1,159	5,573	-	N/A
Total Expenditures and Other Uses:	\$891	\$341,296	\$1	\$1	\$34	\$462	\$649	\$199,226	\$806	\$799	\$881	\$1,159	\$546,205	\$509,743	N/A
Net Increase/ (Decrease) in Fund Balance	3,088	(209,666)	318,643	16,609	18,910	39,702	13,773	(193,019)	3,422	1,299	1,416	1,877	16,054	5,766	
Fund Balance - Beginning	653,990	657,078	447,412	766,055	782,664	801,574	841,276	855,049	662,030	665,452	666,751	668,167	653,990		
Fund Balance - Ending	\$ 657,078	\$ 447,412	\$ 766,055	\$ 782,664	\$ 801,574	\$ 841,276	\$ 855,049	\$ 662,030	\$ 665,452	\$ 666,751	\$ 668,167	\$ 670,044	670,044	\$ 5,766	

**Flow Way Community Development District
Capital Project Fund - Series 2016 (Phase 5)
Statement of Revenues, Expenditures and Changes in Fund Balance
Through September 30, 2023**

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget
Revenue and Other Sources														
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Income														
Construction Account	0	0	0	0	4	50	70	84	92	93	99	1	493	-
Cost of Issuance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Proceeds														
Operating Transfers In (From Other Funds)	0	1,893	0	0	2	31	44	1,915	110	54	60	79	4,190	-
Total Revenue and Other Sources:	\$ 0	\$ 1,893	\$ 0	\$ 0	\$ 6	\$ 81	\$ 114	\$ 1,999	\$ 202	\$ 148	\$ 159	\$ 80	\$ 4,683	\$ -
Expenditures and Other Uses														
Executive														
Professional Management	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Other Contractual Services														
Trustee Services	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Printing & Binding														
Legal Services	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Other General Government Services														
Capital Outlay														
Stormwater Mgmt-Construction	-	-	-	-	-	-	-	-	-	30,013	-	-	\$ 30,013	\$ -
Construction in Progress	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Cost of Issuance														
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
Underwriter's Discount	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Operating Transfers Out (To Other Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54	\$ -
Total Expenditures and Other Uses:	\$ -	\$ 54	\$ -	\$ -	\$ -	\$ 30,013	\$ -	\$ -	\$ 30,067	\$ -				
Net Increase/ (Decrease) in Fund Balance	0.25	1,893	\$ 0	\$ 0	\$ 6	\$ 27	\$ 114	\$ 1,999	\$ 202	\$ (29,865)	\$ 159	\$ 80	\$ (25,384)	-
Fund Balance - Beginning	25,623	25,623	\$ 27,517	\$ 27,517	\$ 27,517	\$ 27,523	\$ 27,550	\$ 27,664	\$ 29,663	\$ 29,865	\$ -	\$ 159	25,623	-
Fund Balance - Ending	\$ 25,623	\$ 27,517	\$ 27,517	\$ 27,517	\$ 27,523	\$ 27,550	\$ 27,664	\$ 29,663	\$ 29,865	\$ -	\$ 159	\$ 239	\$ 239	\$ -

Flow Way Community Development District
 Capital Project Fund - Series 2017 (Phase 6)
 Statement of Revenues, Expenditures and Changes in Fund Balance
 Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget
Revenue and Other Sources														
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -
Interest Income														
Construction Account	0	0	0	0	2	33	46	55	61	61	65	0	325	-
Cost of Issuance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Proceeds														
Operating Transfers In (From Other Funds)	0	1,284	0	0	2	21	30	1,299	37	37	41	54	2,804	-
Total Revenue and Other Sources:	\$ 0	\$ 1,284	\$ 0	\$ 0	\$ 4	\$ 54	\$ 76	\$ 1,354	\$ 99	\$ 98	\$ 106	\$ 54	\$ 3,129	\$ -
Expenditures and Other Uses														
Executive														
Professional Management	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Other Contractual Services														
Trustee Services	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Printing & Binding														
Legal Services	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Legal - Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Capital Outlay														
Water-Sewer Combination-Construction	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Stormwater Mgmt-Construction	-	-	-	-	-	-	-	-	-	19,754	-	-	\$ 19,754	\$ -
Off-Site Improvements-CR 951 Extension	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Construction in Progress														
Cost of Issuance														
Series 2017 Bonds (Phase 6)	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -
Underwriter's Discount														
Operating Transfers Out (To Other Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenditures and Other Uses:	\$ -	\$ 19,754	\$ -	\$ -	\$ 19,754	\$ -								
Net Increase/ (Decrease) in Fund Balance	0	1,284	0	0	4	54	76	1,354	99	(19,655)	106	54	(16,625)	-
Fund Balance - Beginning	16,785	16,785	18,069	18,069	18,069	18,073	18,127	18,203	19,557	19,655	-	106	16,785	-
Fund Balance - Ending	\$ 16,785	\$ 18,069	\$ 18,069	\$ 18,069	\$ 18,073	\$ 18,127	\$ 18,203	\$ 19,557	\$ 19,655	\$ -	\$ 106	\$ 160	\$ 160	\$ -

Flow Way Community Development District
 Capital Project Fund - Series 2019 (Phase 7, Phase 8 and Hatcher)
 Statement of Revenues, Expenditures and Changes in Fund Balance
 Through September 30, 2023

Description	October	November	December	January	February	March	April	May	June	July	August	September	Year to Date	Total Annual Budget
Revenue and Other Sources														
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Income														
Construction Account	0	0	0	0	5	62	88	108	115	117	126	4	625	-
Cost of Issuance	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retainage Account	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Proceeds														
Contributions from Private Sources														
Operating Transfers In (From Other Funds)	1	1	1	1	34	462	649	778	806	799	881	1,159	5,573	-
Total Revenue and Other Sources:	\$ 1	\$ 1	\$ 1	\$ 1	\$ 39	\$ 524	\$ 737	\$ 886	\$ 920	\$ 915	\$ 1,007	\$ 1,163	\$ 6,198	\$ -
Expenditures and Other Uses														
Executive														
Professional Management	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Other Contractual Services														
Trustee Services	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Printing & Binding														
Legal Services	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Legal - Series 2019 Bonds (Ph 7, Ph 8 & Hatcher)	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Capital Outlay														
Water-Sewer Combination-Construction	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Stormwater Mgmt-Construction	-	-	-	-	-	-	-	-	-	38,323	-	-	\$ 38,323	\$ -
Off-Site Improvements-CR 951 Extension	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Construction in Progress														
Cost of Issuance														
Series 2016 Bonds (Phase 5)	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
Underwriter's Discount														
Operating Transfers Out (To Other Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenditures and Other Uses:	\$ -	\$ 38,323	\$ -	\$ -	\$ 38,323	\$ -								
Net Increase/ (Decrease) in Fund Balance	\$ 1	\$ 1	\$ 1	\$ 1	\$ 39	\$ 524	\$ 737	\$ 886	\$ 920	\$ (37,407)	\$ 1,007	\$ 1,163	\$ (32,125)	\$ -
Fund Balance - Beginning	34,296	34,297	34,298	34,299	34,300	34,339	34,863	35,600	36,487	37,407	-	1,007	34,296	-
Fund Balance - Ending	\$ 34,297	\$ 34,298	\$ 34,299	\$ 34,300	\$ 34,339	\$ 34,863	\$ 35,600	\$ 36,487	\$ 37,407	\$ -	\$ 1,007	\$ 2,171	\$ 2,171	\$ -

SETTLEMENT AGREEMENT

This **SETTLEMENT AGREEMENT** (hereinafter referred to as “Agreement”) is made and entered into by and between Flow Way Community Development District (“CDD”), on the one hand; and Taylor Morrison of Florida, Inc. (“TM Florida”); Taylor Morrison Esplanade Naples, LLC (“TM Esplanade”, and collectively with TM Florida, “TM”); and Andrew Miller, John Wollard, Stephen Reiter, Adam Painter, and Christopher Nirenberg (collectively, “Individual Defendants”), on the other hand. CDD, TM, and the Individual Defendants shall hereinafter be collectively referred to as the “Parties”.

WHEREAS, CDD is responsible as a co-permittee on South Florida Water Management District Environmental Resource Permit Number 11-02031-P and is owner of the Preserves.

WHEREAS, a dispute arose between the Parties, which is styled as the following: *Flow Way Community Development District v. Taylor Morrison of Florida, et al.*, Collier County Circuit Court Case Number 20–CA–4147 (the “Litigation”);

WHEREAS, in the Litigation, on June 10, 2022, an arbitration decision was filed under seal with Court. On October 24, 2020, the Court issued an Order Granting Former Supervisors’ Motion for Summary Judgment on Counts II & IV of Plaintiff’s Fourth Amended Complaint. On October 24, 2020, the Court also issued a Final Judgment and Order Confirming Arbitration Award, in Part. On November 17, 2022, the Court issued orders denying motions for rehearing on the above order and final judgment;

WHEREAS, an appeal of a Final Judgment and entry of an Order Granting Summary Judgment was initiated by the CDD in the Sixth District Court of Appeal, styled as *Flow Way Community Development District v. Taylor Morrison of Florida, et al.*, Appellate Case No. 6D23–0986 (the “Appeal”);

WHEREAS, the Parties have resolved their differences and desire to reduce their settlement understanding to a writing so that it shall be binding upon the Parties, as well as their respective owners, principals, officers, employees, ex-employees, agents, representatives, insurers, heirs, members, relatives, successors, assigns, grantees, and affiliates;

NOW THEREFORE, in consideration of the foregoing premises and the following mutual promises (the receipt and sufficiency of such consideration being acknowledged by all Parties), the Parties hereby agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and are incorporated by reference.
2. **Effective Date**. The “Effective Date” of this Agreement is the date the last of the Parties has executed the Agreement.
3. **Denial of Liability**. No Party is admitting wrongdoing, fault, or liability of any nature by entering into this Agreement.
4. **Financial Walkaway**. All Parties agree that they will forego execution on any judgment or order entered in their favor against the other in the Litigation and Appeal. All Parties to this Agreement agree to bear their own respective attorneys’ fees and costs in connection with the Litigation and Appeal.

5. Dismissal of Litigation and Appeal. Within seven (7) days of the Effective Date of this Agreement, the CDD shall file a Notice of Dismissal with Prejudice of the Appeal. Within seven (7) days of the Effective Date of this Agreement, the Parties shall jointly file a Stipulation of Dismissal of all claims, counterclaims, and pending motions for sanctions, attorneys' fees and costs in the Litigation. Finally, within seven (7) days of the Effective Date of this Agreement, the Parties shall file respective Satisfactions of Judgment which shall include a stipulation that the judgment for \$472,000 shall be declared satisfied as to the CDD and that the Final Judgment in favor of TM and the Individual Defendants shall also be declared satisfied.

6. Release and Discharge. Except for the obligations set forth herein, and not to include any claims or causes of action possessed by Esplanade Golf & Country Club of Naples, Inc. ("HOA"), the CDD hereby releases, acquits, satisfies, and forever discharges (including any and all employees, officers, directors, successors, assigns, legal representatives, insurers, heirs, relatives, attorneys and agents of) TM and the Individual Defendants, of and from any and all, and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims, and demands whatsoever, in law or in equity, which the CDD had, now has, or which any employees, officers, directors, successors, assigns, legal representatives, insurers, heirs, relatives, attorneys or agents of the CDD, hereinafter can, shall or may have arising out of, or relating to the Litigation and Appeal from the beginning of the world to the day of this Agreement. This Release includes the release and discharge of any claims or causes of action the CDD has against TM for the construction and maintenance of all CDD-owned assets, which include but are not limited to, the Preserves. For the avoidance of doubt, all Parties acknowledge and agree that this Release does not, however, release or otherwise have any effect on any viable claims possessed by the HOA against TM or the Individual Defendants.

Except for the obligations set forth herein, and not to include any claims or causes of action against the HOA, TM and the Individual Defendants each hereby releases, acquits, satisfies, and forever discharges (including any and all employees, officers, directors, successors, assigns, legal representatives, insurers, heirs, relatives, attorneys and agents of) the CDD, of and from any and all, and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims, and demands whatsoever, in law or in equity, which either TM or the Individual Defendants had, now have, or which any of the respective employees, officers, directors, members, successors, assigns, legal representatives, insurers, heirs, relatives, attorneys or agents of TM and/or the Individual Defendants, hereinafter can, shall or may have arising out of, or relating to the Litigation and Appeal from the beginning of the world to the day of this Agreement. For the avoidance of doubt, all Parties acknowledge and agree that this Release does not, however, release or otherwise have any effect on any viable claims possessed by TM or the Individual Defendants against the HOA. Nor does it release any affirmative defenses to actions brought by third parties available to TM or the Individual Defendants.

7. Preserve Maintenance. The CDD expressly acknowledges that it is the legal owner of the Preserves described in the Warranty Deeds attached hereto as **Exhibits "A"** and **"B"**, respectively. As owner of the Preserves, the CDD accepts control of the Preserves and expressly acknowledges that TM and the Individual Defendants shall have no further responsibility to the CDD.

8. **Authority to Enter into Agreement.** The individuals signing below on behalf of the CDD and TM, respectively, represent that they have been delegated any necessary authority to enter into this Agreement on behalf of the respective entity that they are signing on behalf of and that their signature is binding on behalf of that respective entity.

9. **Construction of the Settlement Agreement.** The Agreement is the joint product of the Parties and shall not be construed against any Party as the drafter.

10. **Governing Law and Venue.** This Agreement and all other documents executed in connection with this Agreement are governed by and shall be interpreted under Florida law. The sole and exclusive venue for any litigation among the Parties that may arise out of, or is related to this Agreement, or any documents executed in connection with this Agreement shall be a court of competent jurisdiction in and for Collier County, Florida.

11. **Enforceability.** If any provision of this Agreement is found to be void or unenforceable by a court of competent jurisdiction, the remaining provisions, in whole or in part, shall continue to be enforceable to the greatest extent allowed by law and to the same extent as if the void or unenforceable provision were omitted from the Agreement.

12. **Cooperation.** The Parties hereby agree to cooperate and work in good faith to carry out the terms of this Agreement and to execute or prepare any other documentation necessary to effectuate the terms of this Agreement.

13. **Acknowledgement of Independent Counsel/Tax Advice.** The Parties hereto acknowledge and affirm that they:

(1) Have each been represented by separate legal counsel, or they have had the opportunity to consult with legal counsel and their separate tax advisors as to their respective rights and responsibilities hereunder; and

(2) Have read or have had read to them, and understand all terms and provisions of this Agreement, and have not relied upon explanations from other parties to this Agreement or counsel to the other parties to this Agreement.

14. **Entire Settlement Agreement.** This Agreement contains the entire agreement between the Parties, and all prior or contemporaneous negotiations or representations are merged into this Agreement.

15. **Paragraph Headings.** Captions and paragraph headings in this Agreement are for convenience and reference only and do not define, describe, extend or limit the scope or intent of this Agreement or any provision herein.

16. **Attorney's Fees for Breach of Agreement.** In the event any Party breaches this Agreement, the party having to enforce this Agreement shall be entitled to recover its attorney's fees and costs, through litigation and any and all appeals.

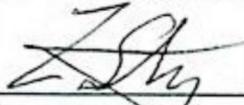
17. **Counterparts and Facsimile Signatures.** This Agreement may be executed in counterparts with each copy being deemed an original. A facsimile signature on this Agreement will be deemed to be equivalent to an original signature.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date indicated herein.

Signed, sealed and delivered in the presence of:

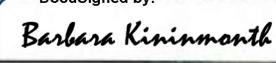
Date

FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

By: 
Print Name: ZACK STAMP
Its: CHAIR

9/28/2023
Date

TAYLOR MORRISON OF FLORIDA, INC.

DocuSigned by:
By: 
6501180282B546A...
Print Name: Barbara Kininmonth
Its: Vice President

9/28/2023
Date

TAYLOR MORRISON ESPLANADE NAPLES, LLC

DocuSigned by:
By: 
6501180282B546A...
Print Name: Barbara Kininmonth
Its: Vice President

9/28/2023
Date

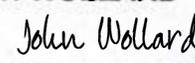
ANDREW MILLER

DocuSigned by:

0627558F92D34B5...

9/29/2023
Date

JOHN WOLLARD

DocuSigned by:

B918F3B5222646F...

10/11/2023

Date

STEPHEN REITER



ADAM PAINTER

Date

CHRISTOPHER NIRENBERG

Date

[A large, diagonal blue line is drawn across the page, extending from the bottom left towards the top right.]



STEPHEN REITER

Date

ADAM PAINTER

9/29/23
Date

Adam Painter

CHRISTOPHER NIRENBERG

Date

STEPHEN REITER

Date

ADAM PAINTER

Date

9/22/2023

Date

CHRISTOPHER NIRENBERG



A large, stylized handwritten signature in black ink, appearing to read 'Christopher Nirenberg', is written over a horizontal line.

Certificate Of Completion

Envelope Id: 6E1CD86928954A87A86E6EC657BE4D84	Status: Completed
Subject: Please Docusign the Flowway Settlement Agreement!	
Source Envelope:	
Document Pages: 5	Signatures: 4
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Valerie McChesney
Time Zone: (UTC-07:00) Arizona	4900 N Scottsdale Rd
	Ste 2000
	Scottsdale, AZ 85251
	vmcchesney@taylormorrison.com
	IP Address: 4.53.171.226

Record Tracking

Status: Original	Holder: Valerie McChesney	Location: DocuSign
9/27/2023 9:00:31 AM	vmcchesney@taylormorrison.com	

Signer Events

Andrew "Drew" Miller
 Amiller@taylormorrison.com
 Vice President
 Taylor Morrison
 Security Level: Email, Account Authentication (None)

Signature

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 Signature Adoption: Uploaded Signature Image
 Using IP Address: 47.198.93.65
 Signed using mobile

Timestamp

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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Barbara Kininmonth
 BKininmonth@taylormorrison.com
 president
 Taylor Morrison, Inc.
 Security Level: Email, Account Authentication (None)

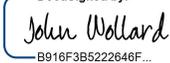
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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

John Wollard
 jwollard@taylormorrison.com
 VP of Land Development
 Taylor Morrison
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
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Valerie McChesney
vmcchesney@taylormorrison.com
Vice President
Taylor Morrison
Security Level: Email, Account Authentication
(None)

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Electronic Record and Signature Disclosure:
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Carlie Estrada
cestrada@taylormorrison.com
Director, Legal Compliance
Taylor Morrison, Inc.
Security Level: Email, Account Authentication
(None)

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Electronic Record and Signature Disclosure:
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	9/29/2023 3:44:30 AM
Completed	Security Checked	9/29/2023 3:44:32 AM

Payment Events	Status	Timestamps
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