

July 1, 2022

**VIA U.S. REGULAR MAIL AND EMAIL:**

Drew Bartlett, Executive Director  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
[DBartlett@sfwmd.gov](mailto:DBartlett@sfwmd.gov)

**RE: Draft Operation Plan for Emergency Pumps in the City of Bonita Springs**

Dear Mr. Barlett:

The undersigned firm represents the Flow Way Community Development District (“**CDD**”). I write on their behalf to join in the concerns raised by Conservancy of Southwest Florida, Florida Wildlife Federation, Audubon Florida, and Audubon of the Western Everglades (collectively, “Conservation Easement Holders”) with respect to the final draft Operation Plan for Emergency Pumps in the City of Bonita Springs, prepared by the South Florida Water Management District (“SFWMD”) on or about May 4, 2022.

As reflected in the attached deeds, the CDD is currently the owner of preserves located within the conservation area known as the Woodlands Slough, which borders the development, Esplanade Golf & Country Club of Naples, Inc. (“Esplanade”). Esplanade is a major community comprised of over 1,000 homeowners, who are constituents of the CDD. As the owner of the property to be directly affected by the SFWMD’s proposed Operation Plan, the CDD requests that it be provided notice both to its District Manager, Jim Ward, and to my office, at [Gwoods@lawfirmnaples.com](mailto:Gwoods@lawfirmnaples.com), with respect to any actions taken or intended to be taken on the Operation Plan. While the May 5, 2022, cover letter from SFWMD enclosing its draft Operation Plan provides that notification will be given to Collier County of any decision by SFWMD to approve pumping towards the Cocohatchee system in the event of a request from the City of Bonita Springs, notification should also promptly be given to the CDD, as a directly affected private property stakeholder, under such circumstances as well.

Of particular concern to the CDD is the lack of environmental studies or analyses that have been performed, if any have at all, with respect to the impacts that approval of such an Operation Plan would have on protected conservation areas. While the Operation Plan focuses on water quantity, it fails to address how quality of the water will be assessed, if at all, as well as what impacts that would have on the hydroperiods and the channeling and inundation of preserve areas, as well as any effects on foraging habitat of listed species and other wildlife. With respect to the potential for altered hydroperiods, specifically, this could impact the timeframe for the preserves reaching their success criteria under applicable permits, and therefore also have significant, adverse financial impacts on the CDD. Further, depending on the nature of the impact to the success criteria timeframe and/or any change in tailwater conditions from discharge toward the Cocohatchee system, the SFWMD permit, Permit No. 11-02031-P, may require modification—to which the CDD does not agree.

Significantly, the flooding experienced in Bonita is a result of the City of Bonita Springs granting permits in areas without sufficient infrastructure to handle the water created by the permitted development. Bonita Springs is literally “dumping” its problem onto property owned by

the CDD. With no environmental impact analysis and no plan for remedying the private property affected by the pumping, there should be no approval of even an emergency operation plan. The CDD also expresses concern with the City of Bonita Springs seemingly circumventing a need to fix or otherwise upgrade its own systems and/or infrastructure by applying solely for “emergency permits”, as opposed to a 404 Permit through the DEP, which provides much more oversight and stringent conditions for compliance.

Accordingly, the CDD echoes the request of the Conservation Easement Holders in their May 23, 2022 letter to the SFWMD that a full environmental analysis and studies on the anticipated water quality be completed and presented to all stakeholders, including the CDD, before any operation plan is finalized.

Thank you for your time and consideration.

Sincerely,

**WOODS, WEIDENMILLER, MICHETTI  
& RUDNICK, LLP**

*/s/ Gregory N. Woods*

Gregory N. Woods

GNW/mrd  
**Enclosures**

cc: Shawn Hamilton, Secretary, FDEP  
Collier County Attorney’s Office  
Big Cypress Basin Board  
Jennifer Smith, Chief of Staff, SFWMD  
Lisa Koehler, Administrator – Big Cypress Basin, SFWMD  
Akin Owosina, Bureau Chief – Hydrology and Hydraulics, SFWMD  
Phil Flood, Regional Representative, SFWMD  
Arlene Hunter, City Manager, City of Bonita Springs  
Esplanade Golf & Country Club (via counsel)  
Jessica P. Wilson, Conservancy of Southwest Florida  
Brad Cornell, Audubon Florida  
Meredith Budd, Florida Wildlife Federation  
Eileen Arsenault, Audubon of Western Everglades  
Jim Ward, District Manager for Flow Way Community Development District

2

This instrument was prepared without an opinion of title and after recording return to: Gregory L. Urbancic, Esq. Coleman, Yovanovich & Kocster, P.A. 4001 Tamiami Trail North, Suite 300 Naples, Florida 34103 (239) 435-3535

(space above this line for recording data)

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 27<sup>th</sup> day of April, 2015 between TAYLOR MORRISON ESPLANADE NAPLES, LLC, a Florida limited liability company, authorized to conduct its affairs in the State of Florida, whose post office address is 4900 N. Scottsdale Road, Suite 2000, Scottsdale, AZ 85251, as grantor ("Grantor"), and FLOW WAY COMMUNITY DEVELOPMENT DISTRICT, an independent special district established pursuant to Chapter 190, Florida Statutes, whose address is c/o JP Ward & Associates, LLC, 2041 NE 6 Terrace, Wilton Manors, FL 33305, as grantee ("Grantee").

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

WITNESSETH, that Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Collier County, Florida to-wit:

Tract P5, Esplanade Golf and Country Club of Naples, according to the plat thereof recorded in Plat Book 53, Pages 1 through 64, of the Public Records of Collier County, Florida.

Subject to: real estate taxes for the year 2015 and subsequent years; zoning, building code and other use restrictions imposed by governmental authority; outstanding oil, gas and mineral rights of record, if any; any restrictions, reservations and easements common to the subdivision.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

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

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

**GRANTOR:**

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

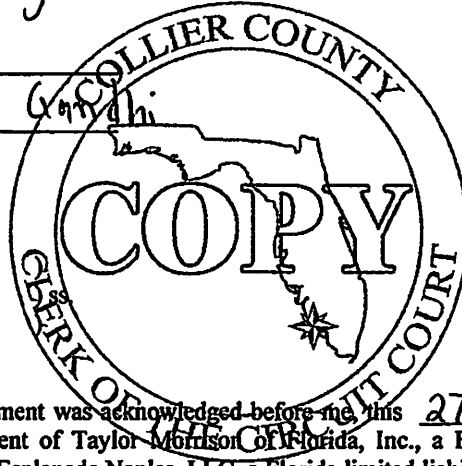
Witnesses:

By: **TAYLOR MORRISON OF FLORIDA, INC.,**  
a Florida corporation, its Managing Member

Curtis Parge  
Signature  
Printed Name: Curtis Parge

By: Valerie McChesney  
Valerie McChesney, Vice President

Bradip Ganti  
Signature  
Printed Name: Bradip Ganti



STATE OF FLORIDA  
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me, this 27 of April, 2015, by Valerie McChesney, as Vice President of Taylor Morrison of Florida, Inc., a Florida corporation, managing member of Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company, on behalf of the companies, who is (x) personally known to me or ( ) has produced \_\_\_\_\_ as evidence of identification.

(SEAL)



Karen Goldstein  
NOTARY PUBLIC  
Name: Karen Goldstein  
(Type or Print)  
My Commission Expires: 12/28/2018

3

This instrument was prepared  
without an opinion of title and  
after recording return to:  
Gregory L. Urbancic, Esq.  
Coleman, Yovanovich & Koester, P.A.  
4001 Tamiami Trail North, Suite 300  
Naples, Florida 34103  
(239) 435-3535

(space above this line for recording data)

**QUITCLAIM DEED**

THIS QUITCLAIM DEED is made this 27<sup>th</sup> day of April, 2015 between **ESPLANADE GOLF & COUNTRY CLUB OF NAPLES, INC.**, a Florida not-for-profit corporation, whose post office address is 551 North Cattlemen Road, Suite 200, Sarasota, FL 34232, as grantor ("**Grantor**"), and **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**, an independent special district established pursuant to Chapter 190, Florida Statutes, whose mailing address is c/o JP Ward & Associates, LLC, 2041 NE 6 Terrace, Wilton Manors, FL 33305, as grantee ("**Grantee**").

(Whenever used herein the terms "**Grantor**" and "**Grantee**" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

WITNESSETH, that Grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in Collier County, Florida (the "**Property**");

Tract P5, Esplanade Golf and Country Club of Naples, according to the plat thereof recorded in Plat Book 53, Pages 1 through 64, of the Public Records of Collier County, Florida.

**SUBJECT TO** restrictions, reservations and easements of record.

**TO HAVE AND TO HOLD**, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of Grantee forever.

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

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IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, INC.,  
a Florida not-for-profit corporation

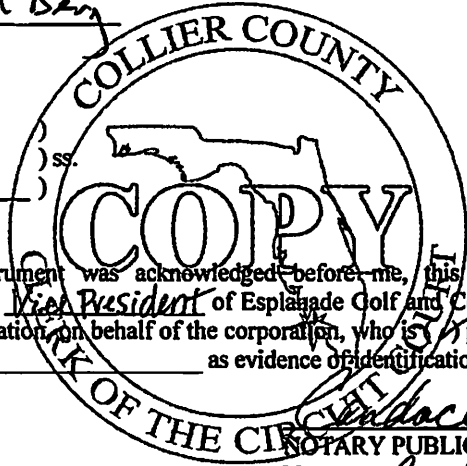
Witnesses:  
[Signature]  
Signature  
Printed Name: JEREMY ARNOLD

By: [Signature]  
Name: JOHN ASHER  
Title: VICE PRESIDENT

[Signature]  
Signature  
Printed Name: Keith Berg

STATE OF FLORIDA

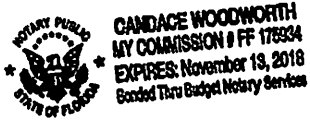
COUNTY OF Lee



The foregoing instrument was acknowledged before me, this 27th of April, 2015, by John Asher, as Vice President of Esplanade Golf and Country Club of Naples, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is  personally known to me or ( ) has produced \_\_\_\_\_ as evidence of identification.

(SEAL)

[Signature]  
NOTARY PUBLIC  
Name: Candace Woodworth  
(Type or Print)  
My Commission Expires: 11/13/18



This instrument was prepared without an opinion of title and after recording return to:  
Gregory L. Urbancic, Esq.  
Coleman, Yovanovich & Koester, P.A.  
4001 Tamiami Trail North, Suite 300  
Naples, Florida 34103  
(239) 435-3535

Consideration: \$10.00

(space above this line for recording data)

**QUITCLAIM DEED**

THIS QUITCLAIM DEED is made this 20<sup>th</sup> day of September, 2018 between **ESPLANADE GOLF & COUNTRY CLUB OF NAPLES, INC.**, a Florida not-for-profit corporation, whose post office address is 551 North Cattlemen Road, Suite 200, Sarasota, FL 34232, as grantor ("**Grantor**"), and **FLOW WAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes, whose address is c/o JP Ward & Associates, LLC, 2900 Northeast 12<sup>th</sup> Terrace, Suite 1, Oakland Park, FL 33334, as grantee ("**Grantee**").

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

WITNESSETH, that Grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand that Grantor has in and to the following described land and any and all improvements located thereon, situate, lying and being in **Collier County, Florida**:

**Tracts P-1, P-2, P-3, P-4, P-6 and P-7, Esplanade Golf and Country Club of Naples, a subdivision according to the plat thereof recorded in Plat Book 53, Page 1, of the Public Records of Collier County, Florida.**

**SUBJECT TO:** restrictions, reservations and easements of record.

**TO HAVE AND TO HOLD**, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of Grantee forever.

*[Remainder of page intentionally left blank. Signature appears on next page.]*

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, INC,  
a Florida not-for-profit corporation

Witnesses:

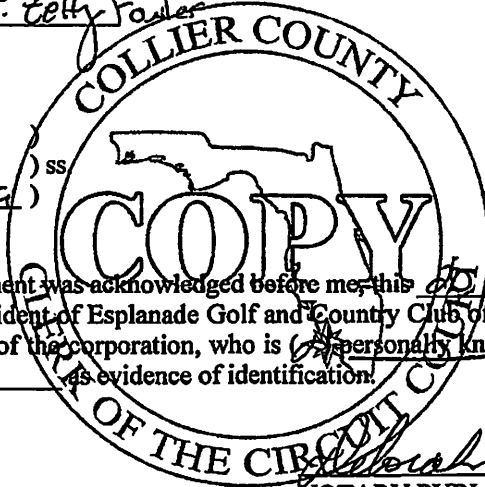
[Signature]  
Signature  
Printed Name: Becky E Hopkins

[Signature]  
By: Anthony Squitieri, President

[Signature]  
Signature  
Printed Name: Eleanor J. Zetty Fowler

STATE OF FLORIDA

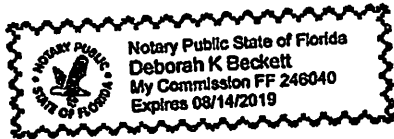
COUNTY OF Sarasota) SS



The foregoing instrument was acknowledged before me, this 10 of September, 2018, by Anthony Squitieri, as President of Esplanade Golf and Country Club of Naples, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is  personally known to me or ( ) has produced [Signature] as evidence of identification.

(SEAL)

[Signature]  
NOTARY PUBLIC  
Name: Deborah K. Beckett  
(Type or Print)  
My Commission Expires:





This instrument was prepared  
without an opinion of title and  
after recording return to:  
Gregory L. Urbancic, Esq.  
Coleman, Yovanovich & Koester, P.A.  
4001 Tamiami Trail North, Suite 300  
Naples, Florida 34103  
(239) 435-3535

Consideration: \$10.00

(space above this line for recording data)

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 20 day of September 2018 between TAYLOR MORRISON ESPLANADE NAPLES, LLC, a Florida limited liability company, whose post office address is 4900 North Scottsdale Road, Suite 2000, Scottsdale, Arizona 85251, as grantor ("Grantor"), and FLOW WAY COMMUNITY DEVELOPMENT DISTRICT, a community development district established and existing pursuant to Chapter 190, Florida Statutes, whose address is c/o JP Ward & Associates, LLC, 2900 Northeast 12<sup>th</sup> Terrace, Suite 1, Oakland Park, Florida 33334 as grantee ("Grantee").

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

WITNESSETH, that Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's heirs and assigns forever, the following land lying and being in Collier County, Florida:

Tracts P-1, P-2, P-3, P-4, P-6 and P-7, Esplanade Golf and Country Club of Naples, a subdivision according to the plat thereof recorded in Plat Book 53, Page 1, of the Public Records of Collier County, Florida.

SUBJECT TO: real estate taxes for the year 2018 and subsequent years; zoning, building code and other use restrictions imposed by governmental authority; outstanding oil, gas and mineral rights of record, if any; any restrictions, reservations and easements common to the subdivision.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of Grantee forever.

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

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed on the day and year first written above.

GRANTOR:

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

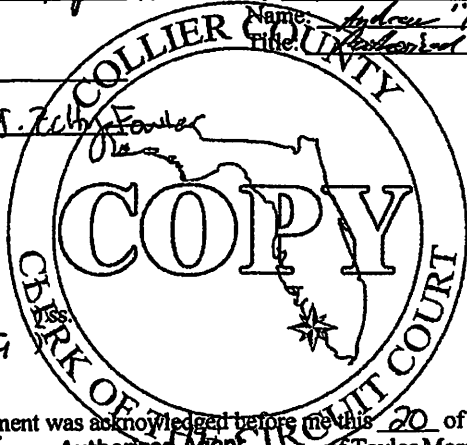
WITNESSES:

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

*Becky E Hopkins*  
Signature  
Printed Name: Becky E Hopkins

By: *Andrew "Drew" Miller*  
Name: Andrew "Drew" Miller  
Title: Authorized Agent

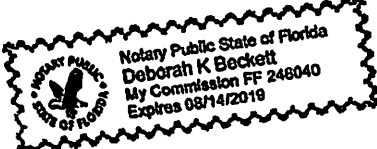
*Eleonora T. Feltz Fowler*  
Signature  
Printed Name: Eleonora T. Feltz Fowler



STATE OF FLORIDA  
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 20 of September, 2018, by Andrew "Drew" Miller, as Authorized Agent of Taylor Morrison of Florida, Inc., a Florida corporation, Manager and Majority Member of Taylor Morrison Esplanade Naples, LLC, a Florida limited liability company, on behalf of the companies, who is  personally known to me or ( ) has produced as evidence of identification.

(SEAL)



*Deborah K Beckett*  
NOTARY PUBLIC  
Name: Deborah K. Beckett  
(Type or Print)  
My Commission Expires: