

# MEMORANDUM

To: Cheri Coryea  
County Administrator

Thru: Chad Butzow, Director  
Public Works Department



From: Carmen Mosley, Sr. Fiscal Services Mgr.  
Brandy Wilkins, Bond Coordinator  
Public Works Department



Digitally signed by Carmen Mosley  
DN: cn=Carmen Mosley, o=Manatee County  
Government, ou=Public Works Department,  
email=carmen.mosley@manatee.org, c=US  
Date: 2020.04.21 15:53:42-0500

Date: April 21, 2020

Subject: **AVIARY AT RUTLAND RANCH PHASE IA & IB**  
**PHASE IB - ONLY**  
**PLN1810-0051**  
**RELEASE PORTION OF PERFORMANCE AGREEMENT**  
**RELEASE LETTER OF CREDIT**  
**ACCEPT DEFECT SECURITY PORTION OF AGREEMENT**  
**ACCEPT LETTER OF CREDIT**  
**ACCEPT BILL OF SALE**

On April 04, 2019, the Board of County Commissioners accepted the *Agreement for Public Subdivision with Public Improvements* securing earthwork, roadway, storm drainage, sanitary sewer & water main for the above referenced project. The Developer is also requesting to amend the *Agreement for Public Subdivision with Public Improvements* to include the final lift of asphalt, which will be publicly maintained and was not completed at the time of release of performance and acceptance of the defect security. The developer has provided all necessary documentation and completed and passed all inspections for those required public improvements in order to release the performance portion (public improvements); and accept the defect security portion of the Agreement which will warrant these improvements for this project. A Bill of Sale is also required for this project which has publicly maintained utilities under private roadway. We, therefore, per Resolution R-14-86, respectively request the County Administrator to approve the following:

**NOTE: PUBLIC IMPROVEMENTS AGREEMENT** remains in place securing defect security portion of the Agreement.

- **Authorization to release and return** the Letter of Credit, and any riders associated with this letter of credit, in conjunction with the performance portion of the *Agreement*

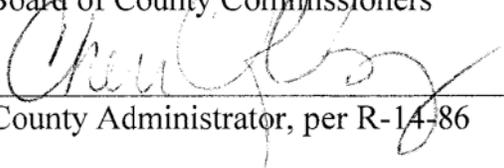
*for Public Subdivision with Public Improvements*. Documents will be returned to Karen Wilson with ZNS Engineering located at 201 5th Avenue Drive East, Bradenton, FL 34240;

- **Letter of Credit** No. 8999013322 issued through Chemical Bank;
- **Amount** of Performance Bond \$2,742,040.28;
- **Accept, and Execute Letter of Credit** securing Section 1.5 “Maintenance, Defects” of the *Agreement for Public Subdivision with Public Improvements* accepted by the Board of County Commissioners on April 04, 2019, securing roadway, storm drainage, sanitary sewer & water main;
- **Letter of Credit** No. 8999013645 issued through Chemical Bank.;
- **Amount** of Defect Security \$208,256.83;
- **Accept and Execute** Bill of Sale.

**Instructions to Board Records**

1. Copies of release request to: Julie Jensvold ([Julie.jensvold@manateeclerk.com](mailto:Julie.jensvold@manateeclerk.com)), Danielle Heaton ([Danielle.heaton@manateeclerk.com](mailto:Danielle.heaton@manateeclerk.com)), Robin Hamilton ([Robin.hamilton@manateeclerk.com](mailto:Robin.hamilton@manateeclerk.com)), Karen Wilson ([KarenW@znseng.com](mailto:KarenW@znseng.com)), and Brandy Wilkins ([brandy.wilkins@mymanatee.org](mailto:brandy.wilkins@mymanatee.org)).

**MANATEE COUNTY, a political  
subdivision of the State of Florida**  
By: Board of County Commissioners

By:   
County Administrator, per R-14-86

cc: Ken LaBarr, Infrastructure Inspections Division Manager  
Karen Wilson, ZNS Engineering.

Attachments

Aviary at Rutland Ranch, Phase IA & IB – Public Project w/Public Improvement  
**Phase IA-** Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site  
improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)  
**Phase IB-** Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main  
**DEFECT Phase IA -** Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site  
improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)  
**PERFORMANCE Phase IA & IB –** Final Lift of Asphalt  
**DEFECT Phase IB -** Roadway, Drainage, Sanitary Sewer Ph 1B & Ph 1A, Water Main, Off-site  
Forcemain

**EXHIBIT “B-1”  
IMPROVEMENTS**

	Improvement	Estimated Cost
1	<b><u>Performance Ph IA-</u></b> Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)	\$ 4,846,853.70
2	<b><u>Performance Ph IB-</u></b> Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main	\$2,742,040.28
3	<b><u>DEFECT Ph IA -</u></b> Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)	\$187,735.70
4	<b><u>Performance Ph IA &amp; IB -</u></b> Final Lift of Asphalt	\$268,338.20
5	<b><u>DEFECT Ph IB -</u></b> Roadway, Drainage, Sanitary Sewer Ph 1B & Ph 1A, Water Main, Off-site Forcemain	\$208,256.83



Public Works Department  
Engineering Services  
1022 26<sup>th</sup> Ave East  
Bradenton, FL 34208  
Phone: (941) 708-7462  
[www.mymanatee.org](http://www.mymanatee.org)

July 12, 2019

ZNS Engineering  
Attention: Mr. Michael Ferdinand, P.E.  
201 5th Avenue Drive East  
Bradenton, FL 34208

([MikeF@znseng.com](mailto:MikeF@znseng.com))

RE: **AVIARY AT RUTLAND RANCH PHASE IA & IB - (Public Residential)**  
**(PLN1810-0051)**  
**Phase IB – Defect Security Cost Estimate**  
**Required Public Improvements**  
**Reason – (Roadway, Drainage, Sanitary Sewer Ph 1B & Ph 1A, Water Main, Offsite**  
**Forcemain)**

**This letter rescinds, voids and replaces the letter issued on 05/20/19 for this project.**

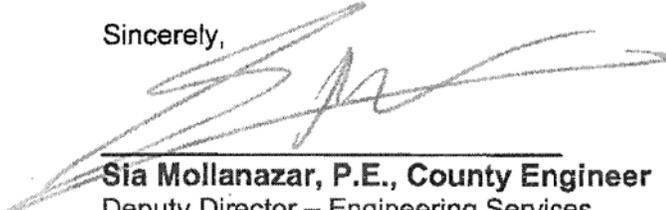
Dear Mr. Ferdinand:

Your cost estimate for the above referenced bond, dated **July 09, 2019**, for the completion of site improvements to serve the above referenced development, is approved for the appropriate surety.

A Defect Security in the amount of **\$208,256.83** which is 10%, of the submitted actual cost, would be sufficient to assure the County correction of any defects or failures.

If we can be of further assistance, please contact me at (941) 708-7462.

Sincerely,



**Sia Mollanazar, P.E., County Engineer**  
Deputy Director – Engineering Services

SM/jp/jsh

cc: Record Management  
Brandy Wilkins, Fiscal Analyst, Public Works Department  
Carmen Mosley, Fiscal Operations Division Manager, Public Works Dept.  
Kenneth LaBarr, Infrastructure Inspection Division Manager, Public Works Dept.  
Karla Ripley, Senior Review Specialist, Public Works Dept.  
Fred Goodrich, Div. Manager/County Zoning Official, Building and Development Services  
Robert Wenzel, Planning Section Manager, Building and Development Services  
Kimberly Middleton, Planner I, Building and Development Services

# ZNS|ENGINEERING

Land Planning Engineering Surveying Landscape Architecture

July 9, 2019

Mr. John Pari  
MC Public Works Department  
1022 26<sup>th</sup> Avenue East  
Bradenton, FL 34208

**RE: Aviary at Rutland Ranch Ph 1A & 1B  
Phase 1B  
Defect Security Estimate  
PDR-12-03/FSP-16-27(R)/DTS# PLN1805-0121  
ZNS File Number: 44607**

Dear Mr. Pari:

I hereby certify that the installation costs outlined herein represents our estimate of the actual cost of all required public improvements to serve the above referenced development. The attached estimate has been prepared in order for a "Defect Security" to be posted with Manatee County for the purpose of correcting any construction, design or material defects or failures within County rights-of-way or easements in the development.

Upon completion of your review and approval of this Defect Security estimate of **\$208,256.83**, please notify our office so that the appropriate surety may be obtained.

Thank you in advance for your prompt attention to this matter. Please advise if you should have any questions or require additional information.

Sincerely,  
ZNS ENGINEERING, L.C.



cc: Brandy Wilkins  
Karen Wilson

DEFECT SECURITY ESTIMATE

**AVIARY AT RUTLAND RANCH PH 1B**

November 2018

ITEM NO	DESCRIPTION	QTY		Unit Price	Total Bid
<b>B ROADWAY</b>					
1	1" Type S-III Asphalt (Initial Lift)	11,795	SY	6.60 \$	77,847.00
2	6" Shell Base (LBR 100)	11,795	SY	10.50 \$	123,847.50
3	6" Stabilized Subgrade (LBR 40)	14,150	SY	4.75 \$	67,212.50
4	6" Shell Base (Emergency Drive) (LBR 100)	3,175	SY	10.00 \$	31,750.00
5	6" Stabilized Subgrade (Emergency Drive) (LBR 40)	3,600	SY	4.75 \$	17,100.00
6	Miami Curb	7,225	LF	10.25 \$	74,056.25
7	Type "AB" Curb	450	LF	11.00 \$	4,950.00
8	4" Concrete Sidewalk	14,265	SF	4.15 \$	59,199.75
9	5' ADA Handicapped Ramp	4	EA	875.00 \$	3,500.00
10	Signage & Striping	1	LS	13,265.00 \$	13,265.00
<b>B SUBTOTAL - ROADWAY</b>					<b>\$ 472,728.00</b>
<b>C DRAINAGE</b>					
1	15" Class III RCP Storm	159	LF	29.50 \$	4,690.50
2	18" Class III RCP Storm	569	LF	35.00 \$	19,915.00
3	24" Class III RCP Storm	947	LF	46.50 \$	44,035.50
4	30" Class III RCP Storm	1,222	LF	63.25 \$	77,291.50
5	36" Class III RCP Storm	621	LF	86.50 \$	53,716.50
6	Manatee Co. Curb Inlet	24	EA	3,650.00 \$	87,600.00
7	Type C Grate Inlet	2	EA	2,800.00 \$	5,600.00
8	Storm Manhole	4	EA	2,250.00 \$	9,000.00
9	Outfall Control Structure w/ Rip Rap	5	EA	13,000.00 \$	65,000.00
10	15" RCP MES	1	EA	1,300.00 \$	1,300.00
11	24"x38" ERCP	115	LF	95.00 \$	10,925.00
12	24"x38" MES	2	EA	2,400.00 \$	4,800.00
13	15" Pipe Support Endwall	4	EA	1,500.00 \$	6,000.00
14	24" Pipe Support Endwall	9	EA	1,850.00 \$	16,650.00
15	30" Pipe Support Endwall	4	EA	2,000.00 \$	8,000.00
16	36" Pipe Support Endwall	2	EA	2,350.00 \$	4,700.00
<b>C SUBTOTAL - DRAINAGE</b>					<b>\$ 419,224.00</b>
<b>D SANITARY SEWER - PH 1B</b>					
1	8" PVC (0'-6' cut)	1,150	LF	15.25 \$	17,537.50
2	8" PVC (6'-8' cut)	627	LF	16.25 \$	10,188.75
3	8" PVC (8'-10' cut)	963	LF	17.50 \$	16,852.50
4	8" PVC (10'-12' cut)	825	LF	19.00 \$	15,675.00
5	8" PVC (12'-14' cut)	216	LF	22.50 \$	4,860.00
6	8" PVC (14'-16' cut)	300	LF	33.00 \$	9,900.00
7	10" PVC (14'-16' cut)	135	LF	35.50 \$	4,927.50
8	10" PVC (16'-18' cut)	45	LF	47.50 \$	2,137.50
9	Sanitary Manhole (0'-6' cut)	5	EA	2,950.00 \$	14,750.00
10	Sanitary Manhole (6'-8' cut)	5	EA	3,050.00 \$	15,250.00
11	Sanitary Manhole (8'-10' cut)	4	EA	3,400.00 \$	13,600.00
12	Sanitary Manhole (10'-12' cut)	3	EA	3,800.00 \$	11,400.00
13	Sanitary Lined Manhole (8'-10' cut)	1	EA	14,000.00 \$	14,000.00
15	Sanitary Lined Manhole (12'-14' cut)	2	EA	15,500.00 \$	31,000.00

**DEFECT SECURITY ESTIMATE**

**AVIARY AT RUTLAND RANCH PH 1B**

November 2018

ITEM NO	DESCRIPTION	QTY		Unit Price	Total Bid
17	Single Service	18	EA	675.00	\$ 10,800.00
18	Double Service	41	EA	1,100.00	\$ 45,100.00
<b>D</b>	<b>SUBTOTAL - SANITARY SEWER</b>				<b>\$ 237,978.75</b>
<b>D</b>	<b>SANITARY SEWER - PH 1A</b>				
1	8" PVC (0'-6' cut)	683	LF	15.25	\$ 10,415.75
2	8" PVC (6'-8' cut)	593	LF	16.25	\$ 9,636.25
3	8" PVC (8'-10' cut)	992	LF	17.50	\$ 17,360.00
4	8" PVC (10'-12' cut)	1,089	LF	19.00	\$ 20,691.00
5	8" PVC (12'-14' cut)	129	LF	22.50	\$ 2,902.50
6	8" PVC (14'-16' cut)	0	LF	33.00	\$ -
7	10" PVC (14'-16' cut)	110	LF	36.50	\$ 4,015.00
8	10" PVC (16'-18' cut)	0	LF	47.50	\$ -
9	5' dia. Shallow Manhole	2	EA	4,500.00	\$ 9,000.00
10	Sanitary Manhole (0'-6' cut)	2	EA	2,950.00	\$ 5,900.00
11	Sanitary Manhole (6'-8' cut)	2	EA	3,050.00	\$ 6,100.00
12	Sanitary Manhole (8'-10' cut)	1	EA	3,400.00	\$ 3,400.00
13	Sanitary Manhole (10'-12' cut)	4	EA	3,800.00	\$ 15,200.00
14	Sanitary Manhole (14'-16' cut)	1	EA	8,600.00	\$ 8,600.00
15	Sanitary Lined Manhole (8'-10' cut)	1	EA	14,000.00	\$ 14,000.00
16	Sanitary Lined Manhole (10'-12' cut)	1	EA	14,500.00	\$ 14,500.00
17	Sanitary Lined Manhole (12'-14' cut)	1	EA	15,500.00	\$ 15,500.00
18	Sanitary Lined Manhole (14'-16' cut)	1	EA	16,000.00	\$ 16,000.00
19	Single Service	19	EA	675.00	\$ 12,825.00
20	Double Service	49	EA	1,100.00	\$ 53,900.00
21	Lift Station (8" Dia)	1	EA	290,000.00	\$ 290,000.00
22	8" PVC Forcemain (DR 18)	2,500	LF	17.00	\$ 42,500.00
23	6" PVC Forcemain (DR 18)	420	LF	12.50	\$ 5,250.00
24	8" Gate Valve Assembly	1	EA	1,250.00	\$ 1,250.00
25	Air Release Assembly (Below Ground)	3	EA	6,150.00	\$ 18,450.00
<b>D</b>	<b>SUBTOTAL - SEWER</b>				<b>\$ 597,395.50</b>
<b>E</b>	<b>WATER MAIN</b>				
1	10" PVC Water Main (DR 18)	525	LF	23.00	\$ 12,075.00
2	8" PVC Water Main (DR 18)	4,020	LF	17.25	\$ 69,345.00
3	2" PVC Water Main (DR 18)	240	LF	8.50	\$ 2,040.00
4	8" DIP Water Main	61	LF	32.00	\$ 1,952.00
5	10" Gate Valve Assembly	2	EA	1,900.00	\$ 3,800.00
6	8" Gate Valve Assembly	11	EA	1,300.00	\$ 14,300.00
7	Fittings/Restraints	40	EA	550.00	\$ 22,000.00
8	Fire Hydrant Assembly	4	EA	5,050.00	\$ 20,200.00
9	Single Service	22	EA	750.00	\$ 16,500.00
10	Double Service	38	EA	1,100.00	\$ 41,800.00
11	Permanent Blowoff Assembly	1	EA	1,850.00	\$ 1,850.00
<b>E</b>	<b>SUBTOTAL - WATER</b>				<b>\$ 205,862.00</b>

**DEFECT SECURITY ESTIMATE**  
**AVIARY AT RUTLAND RANCH PH 1B**

November 2018

ITEM NO	DESCRIPTION	QTY		Unit Price	Total Bid
<b>F</b>	<b>OFFSITE FORCEMAIN</b>				
1	8" PVC Forcemain (DR-18)	5,360	LF	21.75	\$ 116,580.00
2	8" DIP	100	LF	45.00	\$ 4,500.00
3	8" Gate Valve Assembly	7	EA	1,250.00	\$ 8,750.00
4	6" Gate Valve Assembly	1	EA	1,100.00	\$ 1,100.00
5	Air Release Assembly (Below Grade)	3	EA	6,150.00	\$ 18,450.00
<b>F</b>	<b>SUBTOTAL - OFFSITE FORCEMAIN</b>				<b>\$ 149,380.00</b>

**SUMMARY**

<b>B</b>	<b>ROADWAY</b>	<b>\$472,728.00</b>
<b>C</b>	<b>DRAINAGE</b>	<b>\$419,224.00</b>
<b>D</b>	<b>SANITARY SEWER - PH 1B</b>	<b>\$237,978.75</b>
<b>D</b>	<b>SANITARY SEWER - PH 1A</b>	<b>\$597,395.50</b>
<b>E</b>	<b>WATER MAIN</b>	<b>\$205,862.00</b>
<b>F</b>	<b>OFFSITE FORCEMAIN</b>	<b>\$149,380.00</b>
		<b>\$2,082,568.25</b>

<b>TOTAL PUBLIC IMPROVEMENT BOND AT</b>	<b>10%</b>	<b>\$208,256.83</b>
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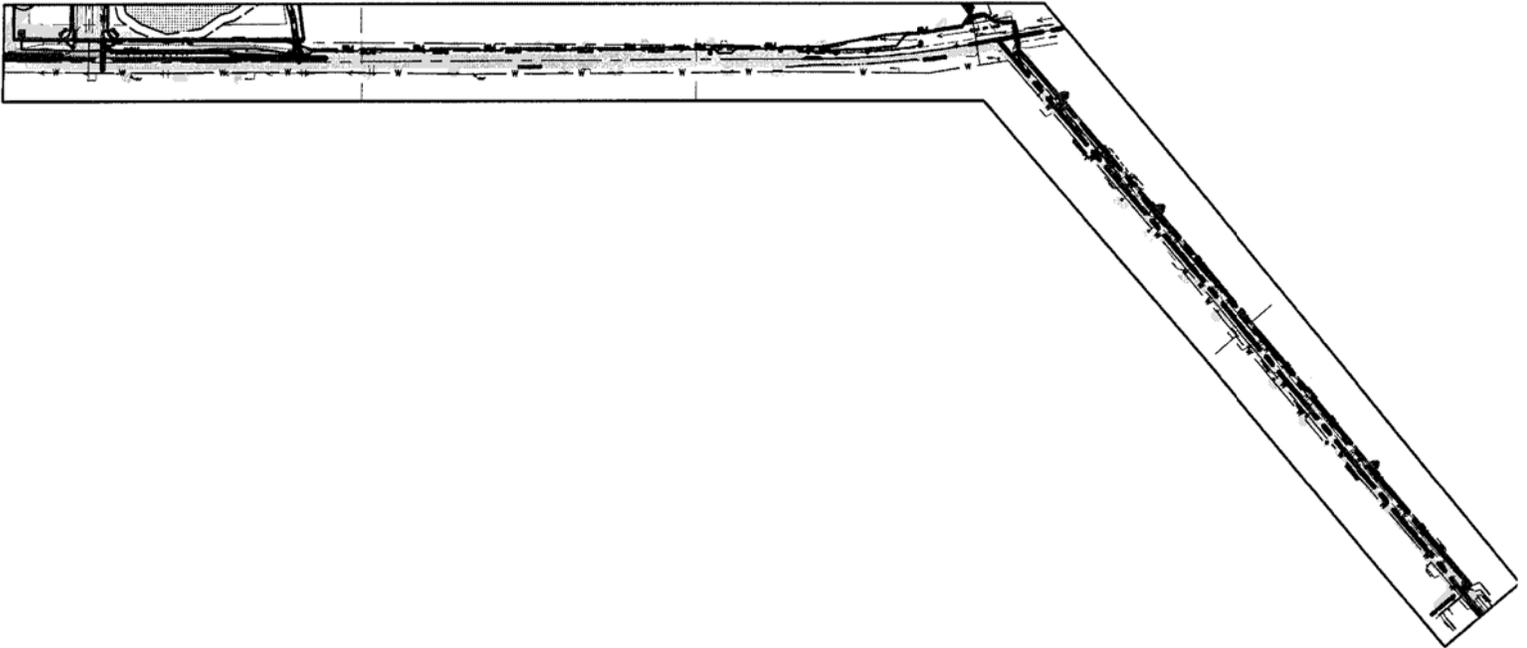
Aviary at Rutland Ranch, Phase IA & IB – Public Project w/Public Improvement  
**Phase IA-** Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site  
improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)  
**Phase IB-** Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main  
**DEFECT Phase IA -** Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site  
improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)  
**PERFORMANCE Phase IA & IB –** Final Lift of Asphalt  
**DEFECT Phase IB -** Roadway, Drainage, Sanitary Sewer Ph 1B & Ph 1A, Water Main, Off-site  
Forcemain

**EXHIBIT “B-2”  
IMPROVEMENTS**

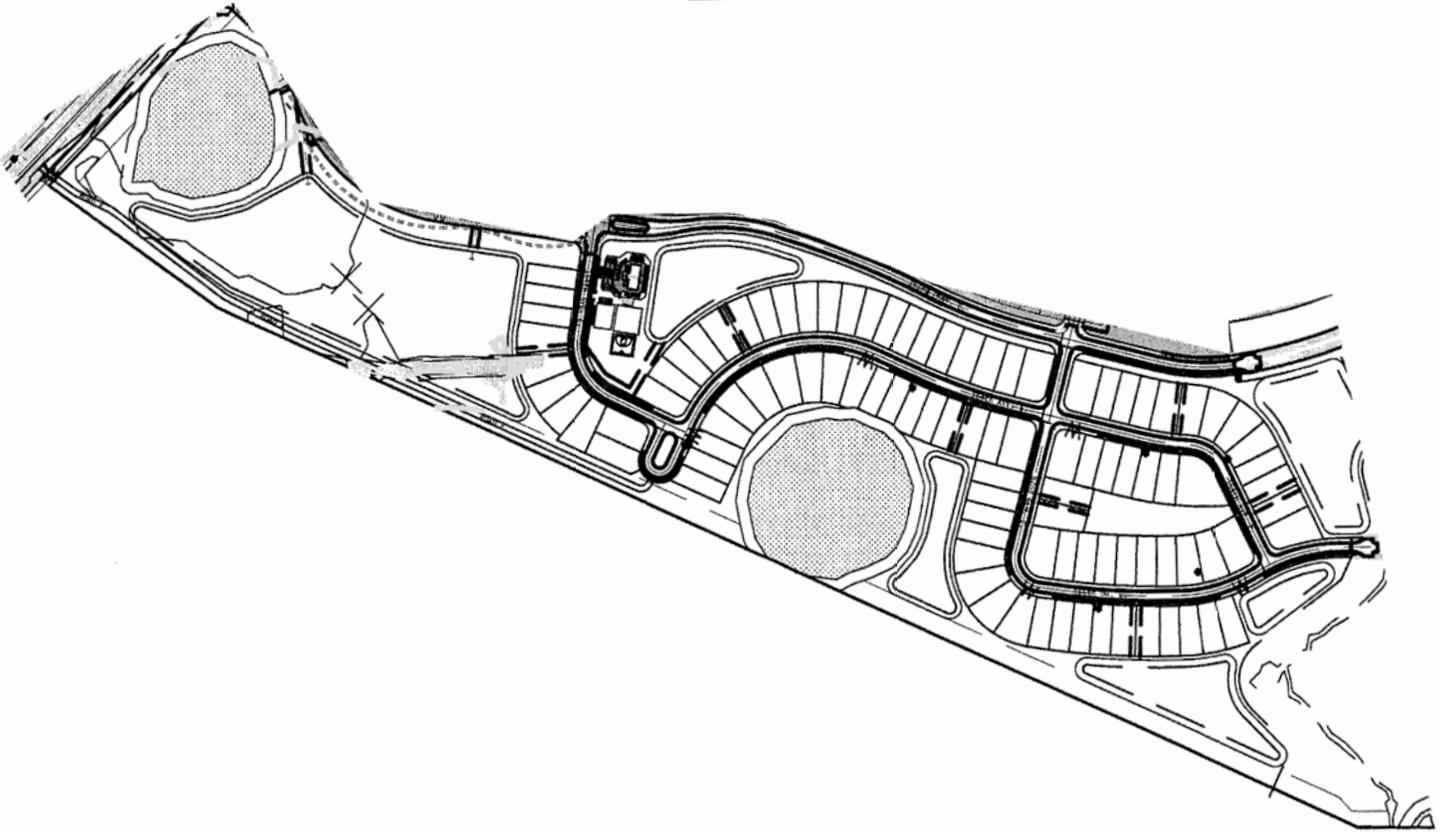
PROVIDE A MAP SHOWING LAYOUT OF THE PUBLIC POTABLE WATER RECLAIMED  
WATER AND SANITARY SEWER INFRASTRUCTURE FACILITIES (Master Utility Plan)  
FOR THE ENTIRE DEVELOPMENT

**REQUIRED AT TIME OF DEFECT**

EXHIBIT B-2  
OFFSITE



**EXHIBIT B-2**  
**PHASE 1B**



Aviary at Rutland Ranch, Phase IA & IB – Public Project w/Public Improvement  
Phase IA- Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site  
improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)  
Phase IB- Earthwork, Roadway, Storm Drainage, Sanitary Sewer, Water Main  
DEFECT Phase IA - Roadway, Storm Drainage, Sanitary Sewer, Water Main, Off-site  
improvements (Roadway, Drainage, Watermain Forcemain, Reclaim Main)  
PERFORMANCE Phase IA & IB – Final Lift of Asphalt  
DEFECT Phase IB - Roadway, Drainage, Sanitary Sewer Ph 1B & Ph 1A, Water Main, Off-site  
Forcemain

**EXHIBIT “C”**  
**PERFORMANCE SECURITIES**

	Bond / LoC	Amount
1	<b><u>Subphase A</u></b> Letter of Credit No. 8999013330 issued through Chemical Bank	\$4,846,853.70
2	<b><u>Subphase B</u></b> Letter of Credit No. 8999013322 issued through Chemical Bank	\$2,742,040.28
3	<b><u>DEFECT- IA</u></b> Letter of Credit No. 8999013744 issued through Chemical Bank	\$187,735.70
4	<b><u>PERFORMANCE - IA</u></b> Letter of Credit No. 8999013827 issued through Chemical Bank	\$268,338.20
5	<b><u>DEFECT- IB</u></b> Letter of Credit No. 8999013645 issued through Chemical Bank	\$208,256.83

**FORM FOR LETTER OF CREDIT AS DEFECT SECURITY  
WARRANTING REQUIRED IMPROVEMENTS**



A Division of TCF National Bank

2508 SOUTH LOUISE AVENUE, SIOUX FALLS, SD 57106

**January 16, 2020**

Board of County Commissioners  
Manatee County Florida  
c/o Fiscal Services Division  
Public Works Department  
1022 26th Avenue East  
Bradenton, FL 34208

RE: Our Irrevocable Credit No. **8999013645**  
For: **Aviary at Rutland Ranch Phase 1B**

Dear Commissioners:

By order of **Aviary Development Group, Inc.** ("Developer"), we hereby open our Irrevocable Credit No. **8999013645** in favor of Manatee County, Florida ("County"), in the amount of, **Two hundred Eight Thousand, Two Hundred Fifty Six Dollars & 83/100 (\$208,256.83)** effective as of the date this Credit is accepted and approved, and expiring at our office at the close of business on **May 1, 2023**, which is at least fourteen (14) months later.

We are informed that the Developer has completed certain Required Improvements associated with the subdivision or final site plan identified as **Aviary at Rutland Ranch Phase 1B** ("Project"), as shown on the as-built drawings for the Project which are on file with the county, and Developer has requested the County to accept these Required Improvements for maintenance.

We are further informed that the Manatee County Land Development Code, Ordinance 90-01, requires that this Security in the amount of ten percent (10%) of the actual installation costs of the Required Improvements which the Developer is presently requesting the County to accept for maintenance be posted for the purpose of correcting any construction, design or material defects or failures of or in the Required Improvements (Defects).

Funds under this Credit are available and will be paid promptly to the County hereunder not exceeding in the aggregate the amount of this Credit, against the County's sight draft on us mentioning this Letter of Credit, accompanied by a statement purporting to be signed by a County Engineer to the effect that such funds are required to exercise the County's right to correct the Defects and to pay costs incidental thereto, and that at least 10 days in advance of the presentation of the sight draft for payment, the County has provided to the Developer by certified Mail, return receipt requested, notice of the County's intention to draw funds on this Letter of Credit.

Funds will also be available to the County if an extension of this Letter of Credit or substitution of security is not posted to complete the three year period of time for the posting of a defect security as required by Ordinance 90-01. Notice will be given in the same manner as to remedy defects, but the statement of the County's Engineer shall not be necessary. The amount of any draft under this Letter of credit shall be endorsed on the reverse side hereof.

This Letter of Credit shall be governed by, and construed in accordance with, the terms of the Uniform Customs and Practice for Documentary Credits (2007, or most current, Revision), International Chamber of Commerce Publication No. 600.

Sincerely,

CHEMICAL BANK, a Division of TCF National Bank

By: *Robert K. Burch*

Robert K. Burch, Community President

ATTEST/WITNESS:

*Joseph E. Dick*

Joseph E. Dick, Vice President

\* \* \* \* \*

Approved and accepted for and on behalf of Manatee County, Florida, this 10 day of April, 2020.

**MANATEE COUNTY**

A political subdivision of the State of Florida

By: Board of County Commissioners

By: *Cheri Corryea*  
County Administrator

**NOTARY ACKNOWLEDGMENT**

STATE OF: FLORIDA

COUNTY OF: MANATEE

The foregoing instrument was acknowledged before me this 10 day of April, 2020, by Cheri Corryea, as County Administrator, for and on behalf of the Manatee County Board of County Commissioners and who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY SEAL:

*Vida Gordon*  
Notary Public  
Vida Gordon

Print Name of Notary



**BILL OF SALE**  
**(PHASE 1B)**

KNOW ALL MEN BY THESE PRESENTS, that the Aviary at Rutland Ranch Community Development District, whose address is c/o DPFPG Management and Consulting, LLC, 250 International Parkway, Suite 280, Lake Mary, Florida 32746 (hereinafter referred to as DISTRICT), for and in consideration of the sum of Ten and No Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, from Manatee County, Florida, a political subdivision of the State of Florida, whose address is Post Office Box 1000, Bradenton, Florida 34206 (hereinafter referred to as COUNTY) has granted, bargained, sold, transferred, conveyed and delivered to the COUNTY, its executors, administrators, successors and assigns forever, the following:

PHASE 1B ONSITE IMPROVEMENTS:

1. All potable water lines, pipes, valves, laterals, tees, bends, joints, facilities, equipment and appurtenances thereto, including but not limited to 525 LF 10" WM, 4,081 LF 8" WM, 240 LF 2" WM and 4 Fire Hydrant Assemblies; and
2. All storm pipes, manholes, junction boxes, grates, inlets, weirs, outfalls, end sections and appurtenances thereto, including, but not limited to 159 LF 15" RCP, 569 LF 18" RCP, 947 LF 24" RCP, 1,222 LF 30" RCP, 621 LF 36" RCP, 115 LF 24"X 38" ERCP; and
3. All roadways including 11,795 SY Residential Roadway (1" asphalt, 6" base, 6" subgrade and curb) and 14,265 SF 4" sidewalk, located within or upon that certain real property owned by the DISTRICT and described below; and
4. All wastewater lines, pipes, valves, pumps, laterals, force mains, tees, bends, joints, manholes, facilities, equipment, and appurtenances thereto, including but not limited to 4,081 LF 8" PVC, 180 LF 10" PVC, and 20 manholes; and

PHASE IA ONSITE IMPROVEMENTS:

1. All wastewater lines, pipes, valves, pumps, laterals, force mains, tees, bends, joints, manholes, facilities, equipment, and appurtenances thereto, including but not limited to 3,486 LF 8" PVC, 110 LF 10" PVC, 16 manholes, 1 lift station, 2,500 LF 8" PVC FM, 420 LF 6" PVC FM;

All on the property known as 163<sup>rd</sup> Parkway East, 59<sup>th</sup> Court East, 164<sup>th</sup> Avenue East, 162<sup>nd</sup> Avenue East, 61<sup>st</sup> Lane East, 62<sup>nd</sup> Glen East, 165<sup>th</sup> Drive East and all Public Utility Easements (subject to the rights of others), and to the extent located within the plat known as Aviary at Rutland Ranch Phase IA & IB, recorded in Plat Book 65, Page 84, of the Official Records of Manatee County, Florida and described in or shown on Exhibit "A."

OFFSITE IMPROVEMENTS:

1. All wastewater lines, pipes, valves, pumps, laterals, tees, bends, joints, manholes, facilities, equipment, and appurtenances thereto, including but not limited to 5,360 LF 8" PVC FM, 100 LF 8" DIP;

**All on the portion of the property known as "Rutland Road" and "Rye Road" and shown in Exhibit "A", attached hereto and made a part hereof.**

TO HAVE AND TO HOLD the same unto the COUNTY, its executors, administrators, successors and assigns forever. The COUNTY shall have all rights and title to the above described personal property.

AND the DISTRICT hereby covenants to and with the COUNTY and assigns that DISTRICT is the lawful owner of the said personal property; that said personal property is free from all liens and encumbrances; that DISTRICT has

good right and lawful authority to sell said personal property; and that DISTRICT fully warrants title to said personal property and shall defend the same against the lawful claims and demands of all persons whomever.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the DISTRICT has hereunto set its hand and seal, by and through its duly authorized representatives, this 12<sup>th</sup> day of February, 2020.

AVIARY AT RUTLAND RANCH  
COMMUNITY DEVELOPMENT  
DISTRICT

Signature: [Handwritten Signature]  
Print Name: Ana M. Houston

[Handwritten Signature]  
By: Stephen Cerven  
Its: Chairperson

Signature: [Handwritten Signature]  
Print Name: Alejandra C. Pinlon

STATE OF FLORIDA  
COUNTY OF Manatee

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 12<sup>th</sup> day of February, 2020, by Stephen Cerven as Chairperson of the Aviary at Rutland Ranch Community Development District, who is personally known to me or has produced as identification.



(NOTARY SEAL)

PATRICIA JONES WILSON  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG180424  
Expires 1/29/2022

Patricia Jones Wilson  
NOTARY PUBLIC, STATE OF FLORIDA

Name: Patricia Jones Wilson  
(Name of Notary Public, Printed, Stamped or  
Typed as Commissioned)

WHEREFORE, the County and the District have executed this Bill of Sale as of this 10 day of April, 2020.

MANATEE COUNTY, a political  
Subdivision of the State of Florida

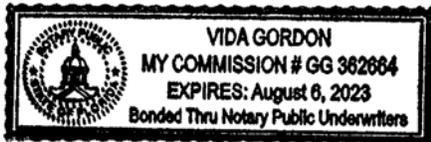
By: Board of County Commissioners

By: Cheri Corvea  
County Administrator

STATE OF FLORIDA  
COUNTY OF Manatee

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 10 day of April, 2020, by Cheri Corvea, CA as CA of the \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)



Vida Gordon  
NOTARY PUBLIC, STATE OF FLORIDA  
Name: Vida Gordon  
(Name of Notary Public, Printed, Stamped or  
Typed as Commissioned)

**Exhibit "A"**  
**Legal Description**

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4  $S00^{\circ}02'27''W$ , A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE  $S44^{\circ}35'45''E$ , A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF  $00^{\circ}04'21''$ , A DISTANCE OF 43.43 FEET (CHORD = 43.43 FEET; CHORD BEARING =  $S44^{\circ}38'02''E$ ) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF  $1^{\circ}10'39''$ , A DISTANCE OF 705.42 FEET (CHORD = 705.41 FEET, CHORD BEARING =  $S45^{\circ}15'32''E$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $S45^{\circ}50'52''E$ , ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO  $N36^{\circ}52'07''E$ , A DISTANCE OF 563.88 FEET; THENCE  $N25^{\circ}24'48''E$ , A DISTANCE OF 2980.08 FEET; THENCE  $N64^{\circ}35'12''W$ , A DISTANCE OF 111.45 FEET; THENCE  $S46^{\circ}03'49''W$ , A DISTANCE OF 146.00 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 110.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $97^{\circ}42'02''$ , A DISTANCE OF 187.57 FEET (CHORD = 165.66 FEET; CHORD BEARING =  $N85^{\circ}05'10''W$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $N36^{\circ}14'08''W$ , A DISTANCE 276.14 FEET; THENCE  $S53^{\circ}45'52''W$ , A DISTANCE OF 68.91 FEET TO A POINT ON A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS POINT THAT BEARS  $N84^{\circ}25'46''E$ , A DISTANCE OF 400.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $5^{\circ}33'57''$  A DISTANCE OF 38.86 FEET (CHORD = 38.84 FEET, CHORDING BEARING =  $N2^{\circ}47'16''W$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $N00^{\circ}09'26''E$ , A DISTANCE OF 29.03 FEET; THENCE  $N89^{\circ}50'34''W$ , A DISTANCE OF 50.00 FEET; THENCE  $N00^{\circ}09'26''E$ , A DISTANCE OF 68.70 FEET; THENCE  $S76^{\circ}36'01''W$ , A DISTANCE OF 158.10 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 90.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $49^{\circ}35'03''$ , A DISTANCE OF 77.89 FEET (CHORD = 75.48 FEET, CHORD BEARING =  $N78^{\circ}36'27''W$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $N53^{\circ}48'56''W$ , A DISTANCE OF 50.55 FEET; THENCE  $S63^{\circ}00'34''W$ , A DISTANCE OF 222.19 FEET TO A POINT ON A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS POINT THAT BEARS  $S69^{\circ}40'50''W$ , A DISTANCE OF 1195.08 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $13^{\circ}16'09''$ , A DISTANCE OF 276.77 FEET (CHORD = 276.16 FEET, CHORD BEARING =  $S13^{\circ}41'05''E$ ); THENCE  $S82^{\circ}16'56''W$ , A DISTANCE OF 154.49 FEET TO A POINT ON A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS POINT THAT BEARS  $S82^{\circ}19'55''W$ , A DISTANCE OF 1234.89 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $12^{\circ}55'51''$ , A DISTANCE OF 278.70 FEET (CHORD = 278.11 FEET, CHORD BEARING =  $N14^{\circ}08'00''W$ ) TO THE POINT OF COMPOUND CURVATURE OF CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $45^{\circ}08'56''$ , A DISTANCE OF 23.64 FEET (CHORD = 23.03 FEET, CHORD BEARING =  $N43^{\circ}10'24''W$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $N65^{\circ}44'52''W$ , A DISTANCE OF 37.12 FEET; THENCE  $S30^{\circ}07'54''W$ , A DISTANCE OF 243.07 FEET; THENCE  $S27^{\circ}13'44''W$ , A DISTANCE OF 160.40 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 110.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $77^{\circ}36'45''$ , A DISTANCE OF 149.01 FEET (CHORD = 137.87 FEET, CHORD BEARING =  $S66^{\circ}02'06''W$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $N75^{\circ}09'32''W$ , A DISTANCE OF 471.71 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 200.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $62^{\circ}35'41''$ , A DISTANCE OF 218.50 FEET (CHORD = 207.79, CHORD BEARING =  $S73^{\circ}32'38''W$ ) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE  $S42^{\circ}14'47''W$ , A DISTANCE OF 179.26 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE  $S00^{\circ}02'27''W$ , ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1088.29 FEET; THENCE  $S45^{\circ}51'06''E$ , A DISTANCE OF 847.56 FEET; THENCE  $S44^{\circ}08'54''W$ , A DISTANCE OF 712.84 FEET TO THE POINT OF BEGINNING.  
CONTAINING 104.12 ACRES, MORE OR LESS.

**EXHIBIT A-2**  
**PHASE 1B**

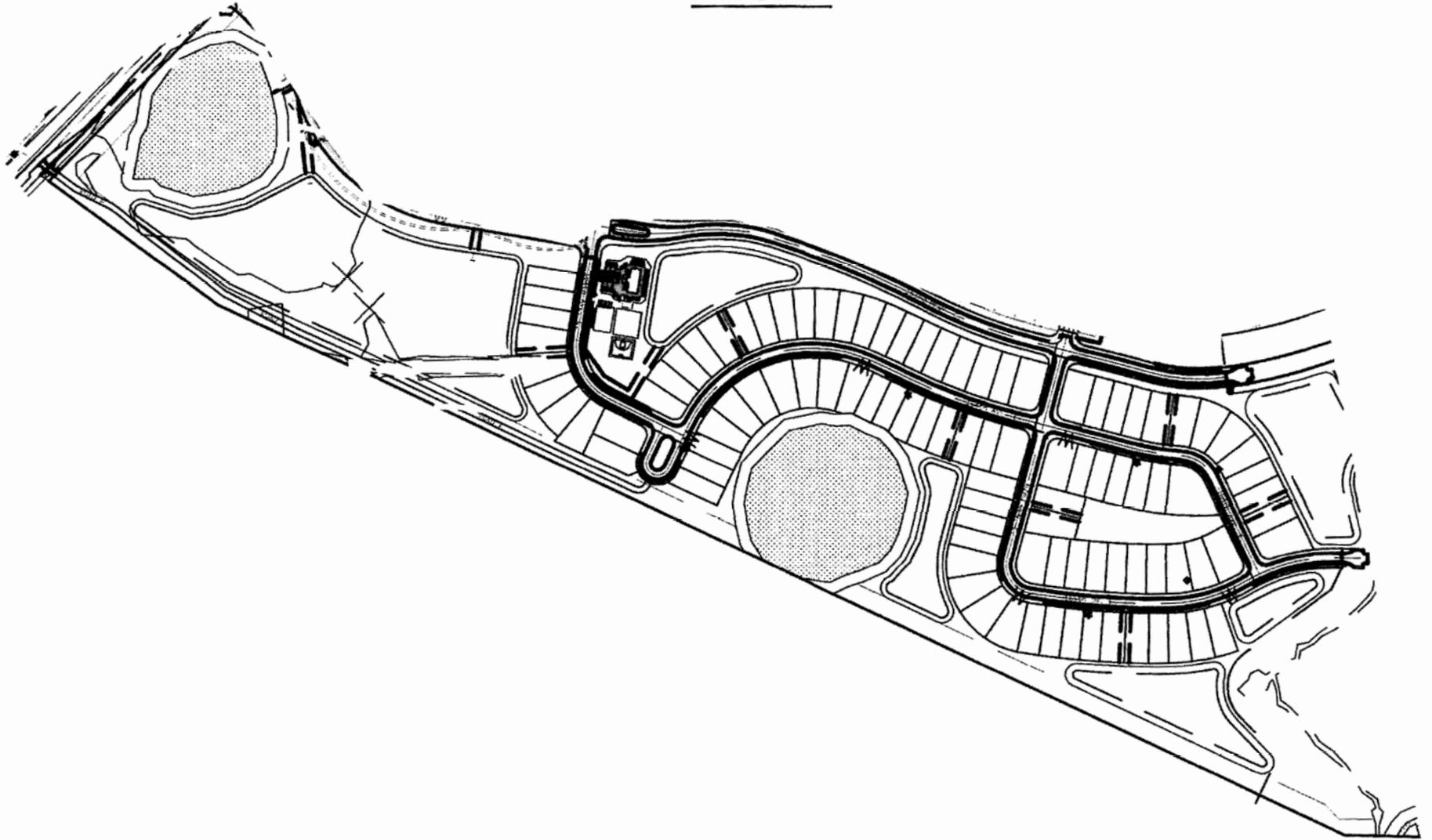


EXHIBIT A-2  
OFFSITE

