

West Villages Improvement District Infrastructure Construction, Turnover and Conveyance Policies

The West Villages Improvement District (“WVID”), an independent special district formed in 2004, owns, operates, and maintains various public infrastructure improvements within its boundaries, including but not limited to collector roadways (with associated landscaping and hardscaping improvements), irrigation infrastructure, stormwater management/drainage infrastructure as well as Master Bike Path/Trail systems. This document outlines the process of the design and eventual turnover of public infrastructure improvements to WVID acceptable improvements which are constructed by the Builder.

Design, Permitting and Pre-Construction:

1. Irrigation:

- a. During the initial design of irrigation systems, the Buyer, the District Engineer and the WVID Operations Manager will meet to discuss and mutually agree to:
 - i. Determine the point of connection to the WVID Master Irrigation System
 - ii. Clarify where the WVID system ends for the project (typically the location of the meter for the irrigation system at the closest point to the property line.)
 - iii. Review locations of existing and planned well sites, irrigation ponds, or pipeline routes on the property
 - iv. Discuss and agree to irrigation allocation needs, including irrigation acreage for the project. The Buyer must provide the District Engineer with a Cad File for the District to calculate the allocation.
 - v. Discuss what portions of the public infrastructure system will be constructed by the Buyer or by the WVID. Typically, the Buyer will be responsible for all irrigation improvements including connection to the WVID Master system.
 - vi. Ensure that the Buyer understands it must agree to design and construct its own irrigation pond sufficient for the irrigation needs of its project into which irrigation water will be discharged. Such designs should maximize lake area for the irrigation system. Smaller parcels, such as those parcels within the Wellen Park Downtown area, may be exempt from this requirement at WVID’s discretion.
 - vii. Review equipment requirements. Buyer agrees to install equipment manufactured by Hoover Pumping Systems unless otherwise agreed to in writing by the WVID Operations Manager. The pump station shall be reviewed and approved by the Operations Manager and District Engineer prior to installation. Note that this pumping system will be the metered withdrawal point for the development’s water usage
 - viii. WVID will provide the Buyer with its Water Conservation Plan, which the Buyer will acknowledge receipt of.
- b. The Buyer (or the applicable homeowners’ association (“HOA”) for the Buyer’s development, as applicable) shall enter into an agreement with WVID relating to WVID’s provision of irrigation water to the community, which agreement shall include irrigated acreage, annual average and peak month demands and rates to be charged for

WVID's provision of irrigation service to the development.

2. *Stormwater Ponds, Drainage Systems, and Improvements in District Rights-of Way*
 - a. During the initial design of the Buyer's project, the Buyer, the District Engineer and the WVID Operations Manager will meet to discuss and mutually agree to:
 - i. Access to stormwater ponds
 - ii. Littoral shelf location and plantings
 - iii. Planned Improvements by the Buyer within WVID rights-of-way must be reviewed and approved by the District Engineer. All median cuts and turn lanes must be curbed. A WVID Right of Way Use permit must be applied for by the Buyer and obtained prior to commencing work.
 - iv. Electrical connection location for fountain, if applicable
 - v. No plans or permit application will be submitted to the City of North Port ("City") or SWFWMD without approval of the District Engineer. The District will charge a fee to review these plans.
 - b. Operation and maintenance of stormwater facilities
 - i. The Buyer hereby acknowledges that the HOA will maintain stormwater ponds, littoral zones, and the associated drainage improvements below the water level in the ponds, until ninety (90) percent of the homebuilding has occurred as determined by the District's Engineer, so as to ensure the functionality of the stormwater management system, and the Buyer (or the HOA, as applicable) will maintain the pond banks and other areas above the water level. WVID is not responsible for any pond bank maintenance or any maintenance of the storm sewer piping and appurtenances outside of the actual stormwater management pond/lake
 - ii. The Buyer acknowledges that the City requires an aeration system in all stormwater retention ponds. These aeration devices shall be installed by the Buyer and operated and maintained by the Buyer.
3. *Landscaping*
 - a. During the initial project design, the Buyer and the WVID Operations Manager will meet to discuss and mutually agree to whether there are any landscape buffers and berms adjacent to WVID road rights-of-way which WVID intends to own and maintain.
 - b. Should there be landscape berms or buffers that will be owned and maintained by WVID, the Buyer agrees to coordinate with the WVID Operations Manager in the design of these areas.
4. *WVID Approval of Plats*
 - a. The Buyer agrees to provide the District Engineer with a copy of the draft plat(s) for the project for review and approval prior to submittal to the City of North Port. The District will charge a fee for the plat review.
5. *Pre-Construction Requirements, Construction Commencement Notification and Plans and Permits*
 - a. The Buyer shall provide 30 day written notification to the WVID Operations Manager and District Engineer prior to the commencement of construction, which notice shall also include the anticipated date of substantial completion of site construction relative to the

- project.
- b. Along with the 30- day notification, the Buyer shall provide the WVID Operations Manager with a copy of its Hurricane Protocol which will outline the policies and procedures to be taken by the Buyer's contractors should a hurricane or other severe weather event be forecast prior to the completion of construction.
 - c. The Buyer shall coordinate with the WVID Operations Manager and District Engineer in scheduling the Pre-Construction Meeting at least 10 days prior to the anticipated day of the meeting. The WVID Operations Manager and District Engineer shall be entitled to attend. With this notification, the Buyer shall provide the Operations Manager and District Engineer with a copy of the approved construction plans and all permits.

Construction Completion:

1. Inspections

- a. The Buyer agrees that for any improvements WVID will take ownership of (or will maintain upon completion), including stormwater ponds, drainage pipes, storm inlets and irrigation distribution infrastructure, WVID will engage an engineering firm to provide inspection services to verify that the improvements have been constructed in accordance with the approved construction plans. The Buyer agrees that the total cost of these inspection services will be paid for by the Buyer and payment shall be received by the WVID prior to actual acceptance of title for the property by the WVID

2. Irrigation

- a. The Buyer shall provide the WVID Operations Manager and District Counsel 60 days written notice of its anticipated construction completion and turnover date.
- b. The Buyer shall provide the WVID Operations Manager 30 days written notice of its planned commencement of irrigation operations.
- c. Prior to the delivery of any irrigation water, a systems check will be required to be conducted by Buyer and reviewed and approved by the WVID Operations Manager
- d. Prior to the delivery of any irrigation water, the Buyer shall provide the WVID Operations Manager with signed and sealed record drawings of any portions of the irrigation distribution system to be owned by WVID that was constructed by the Buyer.

3. Stormwater Ponds and Drainage System

- a. The Buyer shall provide the WVID Operations Manager and District Counsel 60 days written notice of its anticipated construction completion and turnover date.
- b. Upon completion of the stormwater system, the Buyer's engineer shall provide the WVID Operations Manager and District Engineer with signed and sealed record drawings of the stormwater ponds, control structures and lake interconnection pipes. Record Drawings shall meet SWFWMD standards and shall include a contour of the lake bottom.
- c. A representative of the Buyer shall perform a field review with the District Engineer and WVID Operations Manager to review the ponds, including project littoral shelf plantings, wetland and other preservation areas and control structures, once the Record Drawings have been provided to WVID.

- d. The Buyer's Engineer shall provide WVID a copy of the SWFWMD As-Built Certification and Request for Conversion to Operation Phase submitted by the Engineer to SWFWMD.
- e. Upon receipt of the above certification information, WVID will take over responsibility of the stormwater ponds as noted above including the littoral zones.

4. *Landscaping*

- a. The Buyer shall provide the WVID Operations Manager and District Counsel 60 days written notice of its anticipated construction completion and turnover date.
- b. Upon the completion of any landscaping installed by the Buyer that WVID will maintain, the Buyer shall notify the WVID Operations Manager and provide written certification from a Registered Landscape Architect that the landscaping has been installed per the approved plans and specifications.

Conveyance of Improvements to WVID Upon Completion

- 1. The following documents shall be provided to District Counsel by Buyer relative to the planned conveyance of improvements to WVID in accordance with the following timeline:
 - a. Within 30 days prior to the planned conveyance, the Buyer shall provide the following:
 - i. Copy of Construction Contract;
 - ii. Copy of recorded plat (if applicable);
 - iii. Legal description of the real property to be conveyed to WVID, if applicable, which can be described by plat references; and
 - iv. List describing the of improvements to be acquired for inclusion in the bill of sale.
 - b. Within 10 days prior to the planned conveyance, the Buyer shall provide the following:
 - i. Copy of final pay application or other evidence of final payment of contractor by Buyer;
 - ii. Copy of affidavit or other document of Buyer assigning construction warranty to WVID;
 - iii. Copy of an Ownership and Encumbrance Report for any real property to be conveyed to WVID, if applicable, which shall be prepared at Buyer's expense;
 - iv. Recorded copies of terminations of any notices of commencement, releases of any liens, mortgages, or other encumbrances relative to the real property to be conveyed to WVID (if real property is to be conveyed);
 - v. Recorded copies of any access or other easements deemed necessary as determined by District Counsel;
 - vi. Certificate of Buyer's engineer that all improvements to be conveyed to WVID are complete, have been constructed and/or installed in accordance with all required laws and permits, and the cost paid to construct such improvements (if WVID plans to reimburse the Buyer for construction of the improvements);

- vii. Copies of government approvals certifying completion of improvements, if applicable; and
- viii. Record Drawings/as-builts, if not already provided to WVID.

WVID will thereafter prepare draft forms of any bills of sale, special warranty deeds, District Engineer certificates, requisitions, or other documents (collectively, the “Conveyance Documents”) needed to convey title to the improvements or real property, as applicable, for execution. WVID will charge a flat fee of \$3500 for the preparation of these documents associated with the Buyer transferring property to WVID.

2. Due to the timing of when the above-referenced documents are provided to District Counsel for review, there may be a lag between the time of project completion and the time of the conveyance of the improvements to WVID. The Buyer agrees to maintain the infrastructure improvements in satisfactory condition, as determined by WVID, prior to conveyance to WVID.

WVID Fees

1. For WVID work associated with Buyer coordinate and meetings, plan and plat review and conveyance documents, WVID will charge the following fees:

Event Permit	\$250, plus any professional fees at regular billable rate for engineering or legal review, if required
--------------	---

ROW Permit Review Fees	
Review application (1 hr DE, 1 hr OM)	\$500
Pre-construction Meeting	\$500
Normal review during construction	\$500
Final walk through and acceptance	\$500
Total	\$2,000

Development Parcels Review Fees*					
Event	Single Family Residential less than 80 lots	Single Family Residential 80 to 250 lots	Single Family Residential greater than 250 lots	Multi-family or Non-residential less than 5 acres	Multi-family or Non-residential greater than 5 acres
Kick off meeting	\$500	\$500	\$500	\$500	\$500
Review of Development Plans	\$750	\$1,550	\$2,250	\$750	\$1,550
Preparation of irrigation and pond maintenance agreements	\$3,700	\$5,850	\$8,000	\$3,700	\$4,200

Plat Review and CONP Coordination	\$1,000	\$1,500	\$2,000	\$0	\$0
Final Review and Acceptance of Irrigation improvements	\$500	\$1,000	\$1,500	\$500	\$1,000
Total for Initial Phase or Total Project	\$6,450	\$10,400	\$14,250	\$5,450	\$7,250
Phase Plat Review After Initial Plat Has Been Reviewed	\$1,000	\$1,500	\$2,000	\$0	\$0

Miscellaneous:

Plat without lots review: less than 10 acres = \$1,000

Plat without lots review: greater than 10 acres = \$1,500

* Rates will be charged upon the occurrence of each Event for a project.

* All rates herein may be increased per year without the further need for a rate hearing by a maximum of five percent (5%) or the actual CPI for the previous twelve (12) months.

The above fees must be provided to WVID at the initial design meeting with the District Engineer and Operations Manager.

This Agreement constitutes the entire agreement between the parties.

Accepted and Agreed to:

By: _____
Richard Ellis
District Engineer

By: _____
Buyer

Date: _____

Date: _____

WVID Plats – Dedication Language Template

(Future Conveyance)

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

Future Fee Simple Dedication - General

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner of the lands platted herein, intends to dedicate and convey Tract _____ **[insert tract number(s)]** to the West Villages Improvement District in fee simple by subsequent, separate instrument.

Future Fee Simple Dedication - Stormwater

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner of the lands platted herein, intends to dedicate and convey Tract _____ **[insert stormwater tract number(s)]** to the West Villages Improvement District for stormwater management and other lawful purposes, in fee simple by subsequent, separate instrument, said tract and stormwater systems located thereon being the perpetual maintenance obligation of the West Villages Improvement District, its successors and/or assigns.

Future Fee Simple Dedication – Conservation/Wetland

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner of the lands platted herein, intends to dedicate and convey Tract _____ **[insert conservation/wetlands tract number(s)]** to the West Villages Improvement District for preservation and other lawful purposes, in fee simple by subsequent, separate instrument, said tract being the perpetual maintenance obligation of the West Villages Improvement District, its successors and/or assigns. The tract shall not be altered from its natural state, and activities prohibited within the tract include but are not limited to: constructing or placing buildings on or above the ground; dumping or storing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation; excavation, dredging or removal of soil material; or any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

[insert signature blocks for all owner(s)]

[insert notary acknowledgement for each owner]

WVID Plats – Dedication Language Template

(Immediate Conveyance)

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

Immediate Fee Simple Dedication - General

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner of the lands platted herein, dedicates and conveys Tract _____ **[insert tract number(s)]** in fee simple to the West Villages Improvement District.

Immediate Fee Simple Dedication - Stormwater

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner of the lands platted herein, dedicates and conveys Tract _____ **[insert stormwater tract number(s)]** in fee simple to the West Villages Improvement District for stormwater management and other lawful purposes, said tract and stormwater systems located thereon being the perpetual maintenance obligation of the West Villages Improvement District, its successors and/or assigns.

Immediate Fee Simple Dedication – Conservation/Wetland

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner of the lands platted herein, dedicates and conveys Tract _____ **[insert conservation/wetlands tract number(s)]** in fee simple to the West Villages Improvement District for preservation and other lawful purposes, said tract being the perpetual maintenance obligation of the West Villages Improvement District, its successors and/or assigns. The tract shall not be altered from its natural state, and activities prohibited within the tract include but are not limited to: constructing or placing buildings on or above the ground; dumping or storing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation; excavation, dredging or removal of soil material; or any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

[insert signature blocks for all owner(s)]

[insert notary acknowledgement for each owner]

WVID Plats – Easement Language Template

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

Roadway

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner, dedicates and conveys to the West Villages Improvement District a non-exclusive easement for ingress and egress over Tracts _____ **[insert roadway tracts]** for the performance of West Villages Improvement District official duties.

Drainage

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner, dedicates and conveys all drainage easements shown on this plat to the West Villages Improvement District for access and drainage purposes and other purposes incidental thereto.

Irrigation

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner, dedicates and conveys all irrigation easements shown on this plat to the West Villages Improvement District for access and irrigation purposes and other purposes incidental thereto.

Street Trees & Landscape

The undersigned, _____, **[insert owner's legal name]** a _____, **[insert registered entity type for owner (i.e. Florida Limited Partnership)]**, as the fee simple owner, hereby grants non-exclusive street tree and landscape easements to _____ **[insert legal name of homeowners' association]** and to the City of North Port, Florida ("City"), over and across the areas fifteen feet (15') in width along the exterior boundaries of Tract _____ **[insert roadway tracts as shown on plat]**. Tree maintenance and pruning shall be the responsibility of the property owner. It is acknowledged that the City has no maintenance obligations associated with these easements.

[insert signature blocks for all owner(s)]

[insert notary acknowledgement for each owner]

WVID Plats – Acceptance Block for Dedications and Easements

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

(Future Conveyance)

WEST VILLAGES IMPROVEMENT DISTRICT ACCEPTANCE AND ACKNOWLEDGMENT

The West Villages Improvement District (WVID) hereby accepts the dedication of the _____ **[insert easement type(s)]** Easement(s) as shown on this plat.

Secretary/Assistant Secretary

John Luczynski, Chairman

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____ 20___, by John Luczynski, as Chairman of the West Villages Improvement District, for and on behalf of the West Villages Improvement District.

Notary Public

WVID Plats – Acceptance Block for Dedications and Easements

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

(Immediate Conveyance)

WEST VILLAGES IMPROVEMENT DISTRICT ACCEPTANCE AND ACKNOWLEDGMENT

The West Villages Improvement District (WVID) hereby accepts the fee simple absolute dedication of and perpetual maintenance obligation for Tracts _____ **[insert tract number(s)]**, as shown on this plat, and hereby accepts the dedication of the _____ **[insert easement type(s)]** Easement(s) as shown on this plat.

Secretary/Assistant Secretary

John Luczynski, Chairman

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____ 20___, by John Luczynski, as Chairman of the West Villages Improvement District, for and on behalf of the West Villages Improvement District.

Notary Public

___ Personally Known OR ___ Produced Identification
Type of Identification Produced _____

WVID Plat Reviews – Separate Real Estate Instrument for HOA Acceptance of Street Tree/Landscape Easements (this should not appear on the plat)

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

Prepared by: **[include name, title, address]**

ACCEPTANCE OF STREET TREE AND LANDSCAPE EASEMENTS

_____ **[insert legal name of homeowners' association]**, a Florida nonprofit corporation, hereby accepts the grant of all Street Tree and Landscape Easements shown on the plat of _____ **[insert the name of the plat]** recorded as Instrument No. _____ **[at time of filing, insert instrument # for plat]** in the Official Records of the Sarasota County, Florida.

[insert legal name of homeowners' association]

By:

Name: _____

Title: _____

Secretary

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 20___, by _____ (name), as _____ (title) and _____ (name), as Secretary for _____ (entity).

Notary Public, State of Florida

___ Personally Known or ___ Produced Identification

Type of Identification Produced _____

WVID Plat Approval Letter

(Agreed to by WVID's counsel – do not revise template without WVID's counsel's consent)

[ON DISTRICT LETTERHEAD]

The Planning and Zoning Division
City of North Port
4970 City Hall Boulevard
North Port, Florida 34286
planninginfo@cityofnorthport.com

Re: District Review and Approval of [REDACTED] Plat

To Whom It May Concern:

I serve as **District Engineer** to the West Villages Improvement District (the “District”), a local unit of special-purpose government partially located in the City of North Port, Florida (the “City”). Please be advised that District staff has reviewed and approved the form of that certain draft plat of [REDACTED] [insert plat name] dated [REDACTED], 20[REDACTED] and being submitted to the City by [REDACTED] [insert landowner/developer entity name]. If applicable, the District consents to the street tree and landscape easements, as required by the West Villages District Pattern Book, being granted to the applicable homeowners’ association, as shown in the draft plat. Accordingly, upon approval by the City Commission, the District will be prepared to promptly thereafter execute the plat for recording purposes.

Should you have any questions regarding the foregoing, please do not hesitate to contact me at (941) 702- 9672 or rellis@dewberry.com.

Sincerely,

John Luczynski
Chairman of the Board of Supervisors

cc: Richard Ellis, District Engineer (via e-mail)
William Crosley, District Manager (via e-mail)
Lindsay Whelan, District Counsel (via e-mail)

Commented [RL1]: John Luczynski as Chairman of the Board of Supervisors has authorized the following additional signatories for this letter, acceptable by the City:

1. William Crosley, District Manager and an Asst. Secretary of the Board of Supervisors
2. Jonathon Johnson & Lindsey Whelan, District Attorneys
3. Richard Ellis, District Engineer