



Rizzetta & Company

Chapel Creek Community Development District

**Board of Supervisors' Special
Meeting
August 19, 2019**

**District Office:
5844 Old Pasco Road, Suite 100
Pasco, Florida 33544
813.994.1615**

www.chapelcreekcdd.org

Rizzetta & Company, Inc., 5844 Old Pasco Road, Suite 100, Wesley Chapel, FL 33544

Board of Supervisors	Chip Jones	Chairman
	Bob Bishop	Vice Chairman
	Milton Andrade	Assistant Secretary
	Brian Walsh	Assistant Secretary
	John Blakley	Assistant Secretary
District Manager	Jordan Lansford	Rizzetta & Company, Inc.
District Counsel	Tracy Robin	Straley Robin Vericker
District Engineer	Tonja Stewart	Stantec Consulting Services, Inc.

All cellular phones must be placed on mute while in the meeting room.

The Audience Comment portion of the agenda is where individuals may make comments on matters that concern the District. Individuals are limited to a total of three (3) minutes to make comments during this time.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (813) 994-1001. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) 1-800-955-8770 (Voice), who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT
DISTRICT OFFICE • 5844 OLD PASCO ROAD • SUITE 100 • WESLEY CHAPEL FL 33544
www.chapelcreekcdd.org

August 8, 2019

Board of Supervisors
Chapel Creek Community
Development District

AGENDA

Dear Board Members:

The special meeting of the Board of Supervisors' of the Chapel Creek Community Development District will be held on **Monday, August 19, 2019 at 2:30 p.m.** at the office of Rizzetta & Company, Inc., located at 5844 Old Pasco Road, Suite 100, Wesley Chapel, FL 33544. The following is the agenda for this meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS**
- 3. BUSINESS ITEMS**
 - A. Consideration of Resolution 2019-07; Approving Village 4 Plat...Tab 1
 - B. Consideration of Resolution 2019-08; Approving Form of
Tri-Party Agreement.....Tab 2
 - C. Consideration of Resolution 2019-09;Authorizing Letters of
Credit from Suntrust.....Tab 3
- 4. STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. District Manager
- 5. SUPERVISOR REQUESTS**
- 6. ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (813) 933-5571.

Sincerely,
Jordan Lansford
Jordan Lansford
District Manager

cc: Tonja Stewart, Stantec Consulting

Tab 1

RESOLUTION 2019-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT DETERMINING THAT APPROVAL OF THE PROPOSED CHAPEL CREEK PHASE 1B VILLAGE 4 PLAT IS IN THE DISTRICT'S BEST INTEREST; AUTHORIZING AND APPROVING THE PLAT; CONSENTING TO THE DEDICATION BY PLAT OF CERTAIN PROPERTY AND INTERESTS; AND AUTHORIZING THE EXECUTION OF THE CERTIFICATE OF ACCEPTANCE OF SAID PLAT.

WHEREAS, New Chapel Creek, LLC intends to record a plat titled Chapel Creek Phase 1B Village 4 as shown on **Exhibit A** attached hereto (the “**Plat**”) and the Plat impacts certain real property in Pasco County, Florida within the jurisdictional boundary of the Chapel Creek Community Development District (the “**District**”);

WHEREAS, New Chapel Creek, LLC intends to dedicate by the Plat certain property and interests as described in the Plat dedication language to the District; and

WHEREAS, the Board of Supervisors of the District (the “**Board**”) was presented with the Plat and has determined that it is in the District’s best interest to join in the execution of the Plat and the District wishes to accept the dedication and conveyance.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT:

Section 1. The Plat is hereby approved insofar as it affects lands lying within the District.

Section 2. The District hereby consents to and accepts the Dedication by Plat in favor of the District of the property, tracts, easements, and other interests as described in the Plat and acknowledges responsibility for maintenance of the property and infrastructure associated with the dedication.

Section 3. The Chair or Vice Chair of the Board is authorized and directed to sign the certificate of acceptance of the final version of the Plat, subject only to final review and approval by the District's legal counsel and the District’s engineer.

Section 4. The Chair or Vice Chair of the Board is authorized and directed to take any such action and execute such other documents as may further be required to carry out the intent of the foregoing.

PASSED AND ADOPTED THIS 19TH DAY OF AUGUST, 2019.

Attest:

**Chapel Creek
Community Development District**

Jordan Lansford
Assistant Secretary

Dale S. Jones, Jr.
Chair of the Board of Supervisors

CHAPEL CREEK PHASE 1B VILLAGE 4
LYING IN SECTIONS 5 AND 6, TOWNSHIP 26 SOUTH, RANGE 21 EAST, PASCO COUNTY, FLORIDA

PLAT BOOK PAGE NO.

LEGAL DESCRIPTION:

A parcel of land lying in Sections 5 and 6, Township 26 South, Range 21 East, Pasco County, Florida and being more particularly described as follows:

COMMENCE at the Northerlymost corner of Lot 14, Block 2, according to the plat of CHAPEL CREEK PHASE 1A, as recorded in Plat Book 62, Pages 134 through 148, inclusive, of the Public Records of Pasco County, Florida, for a POINT OF BEGINNING, run thence along the Northerly boundary of said CHAPEL CREEK PHASE 1A, the following five (5) courses: 1) N.31°31'48"E., 344.54 feet; 2) N.09°02'39"E., 66.08 feet; 3) N.35°36'33"E., 72.10 feet; 4) N.61°24'53"E., 72.10 feet; 5) N.00°00'46"E., 17.79 feet to the Northeast corner of TRACT "N", according to said plat of CHAPEL CREEK PHASE 1A , also being a point on the North boundary of the Northwest 1/4 of the aforesaid Section 5; thence along said North boundary of the Northwest 1/4 of Section 5, S.89°59'14"E., 587.55 feet; thence S.00°00'46"W., 440.58 feet; thence S.18°16'48"W., 72.63 feet; thence S.31°31'48"W., 458.03 feet; thence S.31°59'18"W., 62.50 feet to the Northeasterly corner of Lot 1, Block 4, according to the aforesaid plat of CHAPEL CREEK PHASE 1A; thence along the Easterly boundary of said CHAPEL CREEK PHASE 1A, the following four (4) courses: 1) N.58°28'12"W., 110.50 feet; 2) N.70°47'46"W., 51.18 feet; 3) N.58°28'12"W., 112.34 feet; 4) N.31°31'48"E., 483.92 feet; thence along the aforesaid Northerly boundary of CHAPEL CREEK PHASE 1A, the following six (6) courses: 1) N.71°16'50"W., 185.52 feet; 2) S.61°15'27"W., 60.01 feet; 3) S.31°31'48"W., 327.50 feet; 4) N.58°28'12"W., 110.00 feet; 5) N.31°31'48"E., 52.23 feet; 6) N.58°28'12"W., 160.33 feet to the POINT OF BEGINNING.

Containing 11.197 acres, more or less.

CERTIFICATE OF OWNERSHIP AND DEDICATION

New Chapel Creek, LLC, a Florida limited liability company (the Owner), hereby states and declares that it is the fee simple owner of all lands referenced to as CHAPEL CREEK PHASE 1B VILLAGE 4, as described in the legal description which is a part of this plat and makes the following dedications:

- Owner does hereby grant, convey and dedicate to Pasco County ("the County") all roads, streets, and rights-of-way as shown and depicted on this plat for the perpetual use of the general public.
- Owner further does hereby grant, convey and dedicate to the County, statutorily authorized public utility entities and all licensed private utility entities a non-exclusive, unobstructed Utility Easement for telephone, electric, cable television, water, sewer, street lights and other utilities over and across those portions of the Plat shown as "Utility Easement", and identified hereon for such purposes, the use and benefit of which shall extend and inure to the benefit of the "County", statutorily authorized public utility entities and all duly licensed private utility companies. In the event utility improvements are constructed within such Utility Easement areas, it shall be the responsibility of the utility entities to repair or replace said utility improvements as necessary for maintenance of said utilities.
- Owner further does hereby grant, convey and dedicate to the County a Non-Exclusive Flow Through Easement and reasonable right of access to ensure the free flow of water for general public drainage purposes over, through and under all drainage easements or commonly owned property, whether owned by the District, or other common entity shown on this plat. In the event the Owner, the District, the Association or other common entity fails to properly maintain any drainage easements/facilities preventing the free flow of water, the County shall have the reasonable right, but not the obligation, to access and enter upon any drainage easement for the purpose of performing maintenance to ensure the free flow of water.
- TRACTS "B-1" and "M, as shown and depicted hereon, are hereby granted, conveyed and dedicated to the Chapel Creek Community Development District, a unit of special purpose local government organized and existing pursuant to Chapter 190, Florida Statutes (the "District). As evidenced by its execution of this plat the District accepts this dedication and agrees to maintain the foregoing tracts for the purposes for which they were intended.
- Owner further does hereby grant, convey and dedicate to the District all (CDD) Drainage and Access Easements, (CDD) Access Easement and (CDD) Side Yard Drainage/Access Easements, as shown hereon for the purposes stated hereon.
- Owner hereby reserves for themselves and their respective successors and assigns a non-exclusive easement in common with others located within the Utility Easement over and across the front of all lots shown hereon. Said non-exclusive easement is for the installation, operation and maintenance and/or replacement of communication lines including but not limited to cable television, internet access, telecommunications and bulk telecommunication services to the extent consistent with Section 177.091(28), Florida Statutes.
- Owner hereby reserves for the benefit of, and grants to the District title to any lands or improvements dedicated to the public or to the County if for any reason such dedication shall be either voluntarily vacated, voided, or invalidated to the extent consistent with Section 177.085(1), Florida Statutes.
- Owner further grants to Duke Energy Florida, LLC, its parent entity (or entity controlling both entities), its respective subsidiaries or affiliate entities and its successors and assigns, forever, a non-exclusive easements over all UTILITY EASEMENTS shown and designated on this plat for the construction, operation, maintenance, repair or replacement of any and all necessary fixtures for the distribution of electricity. Such construction, operation, maintenance, repair and replacement expressly includes a non-exclusive access easement over and across rights-of-way necessary to access their easement.

OWNER: NEW CHAPEL CREEK, LLC, a Florida limited liability company

By: _____
Scott H. Campbell, Vice President Witness, Witness,

ACKNOWLEDGEMENT: State of Florida, County of _____

I hereby certify on this _____, day of _____, 2019, before me personally appeared Scott H. Campbell, as Vice President of NEW CHAPEL CREEK LLC, a Florida limited liability company, known to me as the person described in and who executed the foregoing certificate of ownership and dedication and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____ County, Florida, the day and year aforesaid.

Notary Public, State of Florida at Large My Commission expires:

Printed Name of Notary) Commission Number:

CERTIFICATE OF ACCEPTANCE:

of CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT

The dedication to Chapel Creek Community Development District, a unit of special purpose local government organized and existing under Chapter 190, Florida Statutes, was accepted at an open meeting of Chapel Creek Community Development District by their Board of Supervisors this _____, day of _____, 2019, and hereby consents to and joins in the recording of this instrument and the dedications shown hereon.

By: _____
Dale S. Jones, Jr., Chairman Witness, Witness,

ACKNOWLEDGEMENT: State of Florida, County of _____

I hereby certify on this _____, day of _____, 2019, before me personally appeared Dale S. Jones, Jr. as Chairman of Chapel Creek Community Development District, known to me as the person described in and who executed the foregoing certificate of acceptance and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____ County, Florida, the day and year aforesaid.

Notary Public, State of Florida at Large My Commission expires:

(Printed Name of Notary) Commission Number:

PROPERTY INFORMATION

STATE OF FLORIDA)
) SS:
COUNTY OF PASCO)

We, Chicago Title Insurance Company, a Title Company duly licensed in the State of Florida, have completed a Commitment For Title Insurance, File No. 7241109, Issuing Office File Number 20976.034100, Commitment date of 05/17/2019 at 11:00 PM, and based on said commitment find that the title of the property is vested in New Chapel Creek LLC, a Florida limited liability company, that the current taxes have been paid, and that the property is not encumbered by any mortgages, other encumbrances or easements other than shown in that commitment, File No. 7241109.

This the ____ day of _____, 20____.

Chicago Title Insurance Company

By: _____
_____, Authorized Signatory

SURVEYOR'S NOTES:

This plat, at the time of its recording, is affected by recorded documents shown herein and subject to the following recorded documents that can not be graphically shown, due to their makeup or type:

- Notice of Establishment of the Chapel Creek Community Development District recorded in Official Records Book 6600, Page 1996 and Declaration of Consent to Jurisdiction of Chapel Creek Community Development District and to Imposition of Special Assessments recorded in Official Records Book 7200, Page 1624.
- Recorded Notice of Environmental Resource Permit as recorded in Official Records Book 9731, Page 3341.

ALL as recorded in the Public Records of Pasco County, Florida.

REVIEW OF PLAT BY REGISTERED SURVEYOR, PASCO COUNTY, FLORIDA

Pursuant to Section 177.081(1), Florida Statutes, I hereby certify that I have performed a limited review of the plat for conformity to Chapter 177, Part I, Florida Statutes and that this plat complies with the technical requirements of said chapter, however my review and certification does not include computations or field verification of any points or measurements.

Signed and Sealed this _____ day of _____, 20____.

Alex W. Parnes
Florida Professional Surveyor and Mapper No. LS 5131

CERTIFICATE OF APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

This is to certify that on this the _____ day of _____, _____, the foregoing plat was approved to be recorded by the Board of County Commissioners of Pasco County, Florida.

Chairman of the Board of County Commissioners

CERTIFICATE OF THE CLERK OF CIRCUIT COURT

I hereby certify that the foregoing plat has been filed in the Public Records of Pasco County, Florida on this the _____ day of _____, 20____, in Plat Book _____, Page(s) _____.

ATTEST:
BY: _____
Nikki Alvarez-Sowles, Esq.,
Pasco County Clerk & Comptroller, as Interim

SURVEYOR'S CERTIFICATE

Know all men by these presents, that the undersigned, being currently licensed by the State of Florida as a Professional Surveyor and Mapper, does hereby certify that this plat was prepared under my direction and supervision, and said plat complies with all survey requirements of Florida Statutes Chapter 177, Part I, and that Permanent Reference Monuments (P.R.M.'s) were set on the 8th day of December, 2018, as shown hereon, and that the "P.C.P.'s" (Permanent Control Points) as shown hereon, and all other monumentation of lot corners, points of intersection and changes of direction of lines within the subdivision as required by said Chapter 177 of the Florida Statutes were set on the 16th day of May, 2019.

Signed and Sealed this ____ day of _____, 20____.

AMERRITT, INC.
1215 East 6th Avenue
Tampa, Florida 33605

Arthur W. Merritt
Professional Land Surveyor No. LS4498
Certificate of Authorization No. LB7778

AMERRITT, INC.

LAND SURVEYING AND MAPPING
Certificate of Authorization Number LB 7778

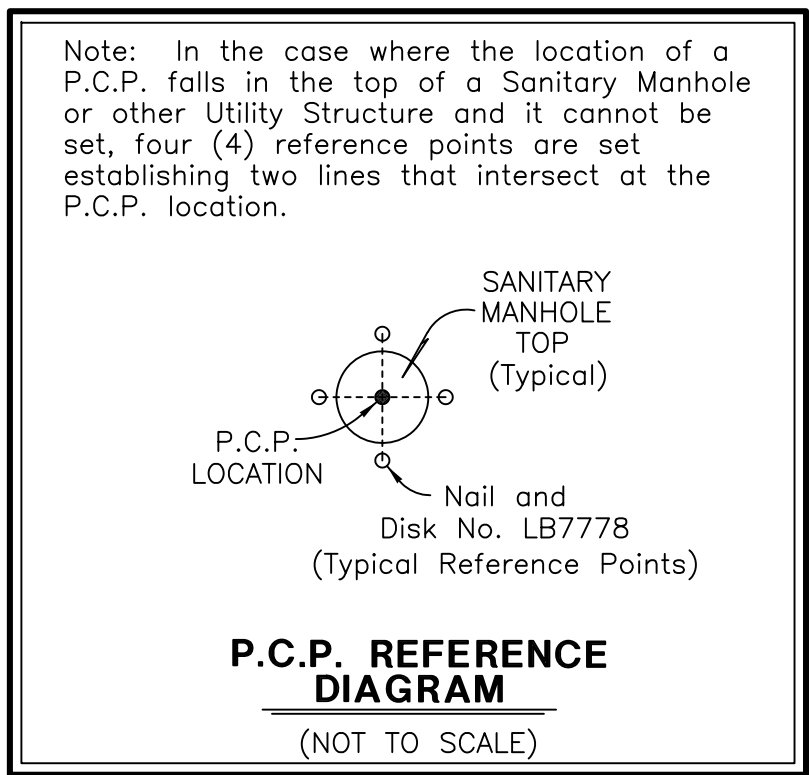
1215 E. 6th Avenue
Tampa, FL 33605
PHONE: (813) 221-5200

Job No. AMI-WDG-CC-002
File: P:\Chapel Creek West\Phase 1B Village 4\Plat\Chapack Ph1B Vill 4-01

SHEET 1 OF 3 SHEETS

CHAPEL CREEK PHASE 1B VILLAGE 4
LYING IN SECTIONS 5 AND 6, TOWNSHIP 26 SOUTH, RANGE 21 EAST, PASCO COUNTY, FLORIDA

PLAT BOOK PAGE NO.



The coordinate values shown hereon are based on the Pasco County Primary Horizontal control Network and were established to Third Order Class I accuracy as defined by the Standards and Specifications for Geodetic Control Networks, as published by the Federal Geodetic Control Committee dated September 1984 or latest edition.

Originating Coordinates: Stations "14 91 GPS4"

NOTE:
A 1/2 INCH DIAMETER IRON ROD WITH CAP No. LB7778, OR A 5/8 INCH DIAMETER IRON PIPE WITH CAP No. LB7778, HAS BEEN SET AT EACH LOT CORNER AS REQUIRED BY CHAPTER 177 OF THE FLORIDA STATUTES WITHIN THE TIME ALLOTTED IN 177.091 (9), UNLESS PRIOR MONUMENTATION OF THE LOT CORNER WAS FOUND IN PLACE.

NOTICE:
This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

NOTE: EASEMENTS, BUFFERS AND OTHER SUCH LABELS AND DIMENSIONS OF A PARALLEL NATURE AS SHOWN HEREON AND INDICATED TO THE NEAREST FOOT (E: 5' UTILITY EASEMENT) ARE ASSUMED TO BE THE SAME DIMENSION EXTENDED TO THE NEAREST HUNDREDTH OF A FOOT WITH NO GREATER OR LESSER VALUE (E: 5' = 5.00')

NOTE:
All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

TRACT DESIGNATION TABLE

TRACT	DESIGNATION	ACREAGE
TRACT "B-1"	LANDSCAPE AND DRAINAGE AREA	0.202 Ac.±
TRACT "M"	DRAINAGE AREA	0.427 Ac.±

CHapel Creek Phase 1B Village 4

LYING IN SECTIONS 5 AND 6, TOWNSHIP 26 SOUTH, RANGE 21 EAST, PASCO COUNTY, FLORIDA

TRACT 121
IN THE SOUTHWEST 1/4 OF
SECTION 32-25-21
ZEPHYRHILLS COLONY COMPANY
(PLAT BOOK 1, PAGE 55)

TRACT 122
IN THE SOUTHWEST 1/4 OF
SECTION 32-25-21
ZEPHYRHILLS COLONY COMPANY
(PLAT BOOK 1, PAGE 55)

TOWNSHIP 25 SOUTH
TOWNSHIP 26 SOUTH

SOUTH BOUNDARY OF THAT PART OF
ZEPHYRHILLS COLONY COMPANY
LYING IN THE SOUTHWEST 1/4 OF
SECTION 32, TOWNSHIP 25 SOUTH, RANGE 21 EAST

NORTHEAST CORNER OF THE NORTHWEST 1/4 OF
SECTION 32, TOWNSHIP 26 SOUTH, RANGE 21 EAST
Found 4"x4" Concrete Monument 286322"

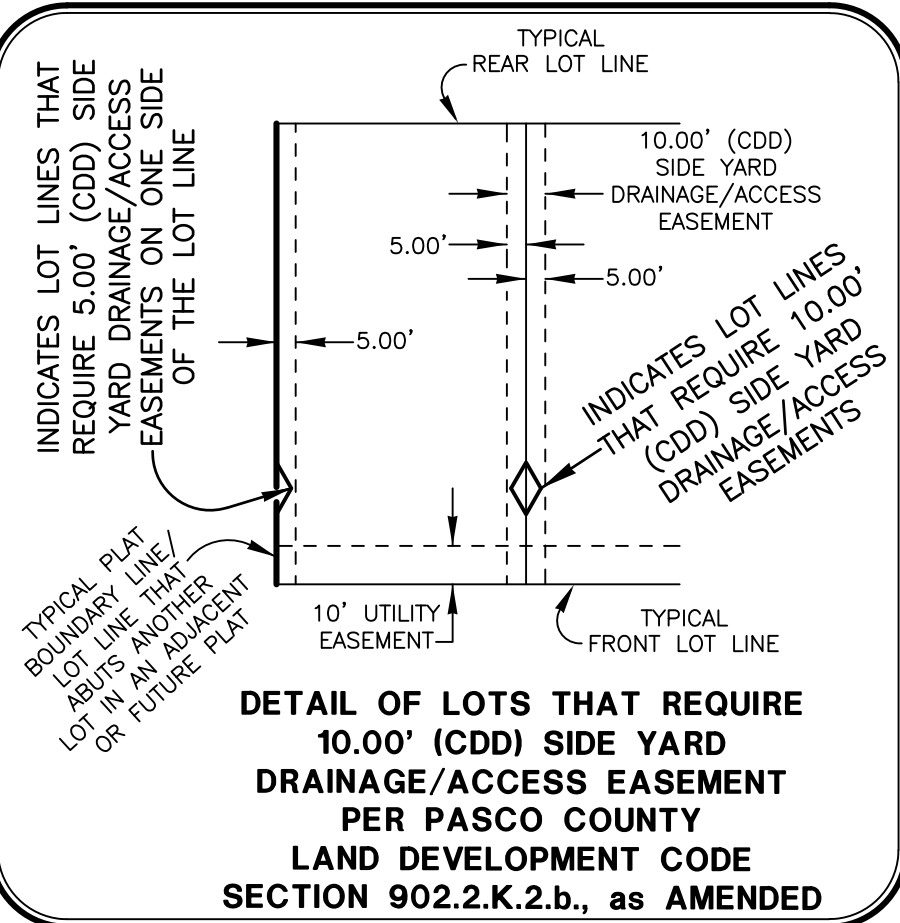
SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF
SECTION 32, TOWNSHIP 26 SOUTH, RANGE 21 EAST
Found 4"x4" Concrete Monument 286322"

UNPLATTED

UNPLATTED

UNPLATTED

DETAIL "A"
NOT TO SCALE
(SEE THIS SHEET)



DETAIL OF LOTS THAT REQUIRE 10.00' (CDD) SIDE YARD DRAINAGE/ACCESS EASEMENT PER PASCO COUNTY LAND DEVELOPMENT CODE SECTION 902.2.K.2.b., as AMENDED

BASIS OF BEARINGS

The North boundary of the Northwest 1/4 of Section 5, Township 26 South, Range 21 East, Pasco County, Florida, has a Grid bearing of S.89°59'14"E. The Grid Bearings as shown herein refer to the State Plane Coordinate System, North American Horizontal Datum of 1983 (NAD 83-1990 ADJUSTMENT) for the West Zone of Florida.

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
1	100.00	58°28'58"	102.07	97.70	N.60°46'17"E.
2	50.00	90°00'00"	78.54	70.71	S.44°59'14"E.
3	100.00	31°31'02"	55.01	54.32	S.15°46'17"W.
4	125.00	18°39'00"	42.87	42.66	N.41°21'18"E.
5	125.00	28°36'00"	58.03	57.51	N.64°28'48"E.
6	125.00	12°13'58"	26.69	26.64	N.83°53'47"E.
7	75.00	35°30'00"	46.47	45.73	S.72°14'14"E.
8	75.00	36°15'00"	47.45	46.66	S.36°21'44"E.
9	75.00	18°15'00"	23.89	23.79	S.09°06'44"E.
10	125.00	06°01'02"	13.13	13.12	S.03°01'17"W.
11	125.00	24°30'00"	53.45	53.04	S.18°16'48"W.
12	125.00	01°00'00"	2.18	2.18	S.31°01'48"W.
13	75.00	31°31'02"	41.26	40.74	N.15°46'17"E.
14	25.00	90°00'00"	39.27	35.36	N.44°59'14"W.
15	75.00	29°14'29"	38.28	37.86	S.75°23'31"W.
16	75.00	29°14'29"	38.28	37.86	S.46°09'03"W.

LEGEND

- Symbol ■ indicates Set (P.R.M.) Permanent Reference Monument 4"x4" Concrete Monument LB7778, unless otherwise noted.
- Symbol □ indicates Set (P.R.M.) Offset Permanent Reference Monument 4"x4" Concrete Monument LB7778, unless otherwise noted.
- Symbol ● indicates (P.C.P.) Permanent Control Point (See Sheet No. 2 for P.C.P. Reference Diagram)
- (R) indicates radial line
- (NR) indicates non-radial line
- (RB) indicates reference bearing
- O.R. - Official Records Book
- (CDD) - Chapel Creek Community Development District

SCALE: 1" = 50'
0 50 100
SCALE IN FEET

AMERRITT, INC.
LAND SURVEYING AND MAPPING
Certificate of Authorization Number LB 7778
1215 E. 6th Avenue
Tampa, FL 33605
PHONE (813) 221-5200

Tab 2

RESOLUTION 2019-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT APPROVING THE FORM OF A TRI-PARTY AGREEMENT; ACKNOWLEDGING THE RECEIPT OF CERTAIN FUNDS FROM NEW CHAPEL CREEK, LLC; AUTHORIZING THE DISTRICT TO PLEDGE SUCH FUNDS FOR LETTERS OF CREDIT REQUIRED BY PASCO COUNTY, FLORIDA; PROVIDING OTHER TERMS AND CONDITIONS, AND FOR DELIVERY OF THE FUNDS UPON EXPIRATION OF THE WARRANTY PERIOD; AUTHORIZING THE EXECUTION BY DESIGNATED OFFICERS OF THE DISTRICT; AUTHORIZING DELIVERY THEREOF BY THE DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Chapel Creek Community Development District (the “**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Pasco County, Florida (the “**County**”); and

WHEREAS, the District has completed the construction of certain infrastructure improvements in the area to be known as Chapel Creek Phase 1B, Village 4 (“**Village 4**”) within the District, consisting of water supply facilities, sewer and wastewater management facilities, roads and stormwater management facilities (the “**Improvements**”); and

WHEREAS, New Chapel Creek, LLC, a Florida limited liability company (“**SPE**”) is the owner of the property located within Village 4, and desires to file the plat for Village 4; and

WHEREAS, and as a condition for filing the plat and acceptance the Improvements, the County requires maintenance warranties for specific periods of time to ensure performance of the water and sewer utilities, road and drainage improvements being conveyed or dedicated to the County, together with security for performance of the warranty obligations in the form of maintenance bonds or letters of credit; and

WHEREAS, the timely conveyance or dedication of the Village 4 Improvements to the County and the filing of the Village 4 plat are in the best interests of the District; and

WHEREAS, the District is without the funds needed to post or deliver the maintenance bonds or letters of credit required by the County, and the SPE has agreed to deposit (the “**Deposit**”) certain funds with the District to be used for such purposes, not to exceed \$70,000; and

WHEREAS, the District desires to acquire such funding and acknowledges that the SPE has heretofore deposited \$65,000 with the District for purpose of securing two (2) letters of credit payable to the County in satisfaction of the maintenance warranty requirements; and

WHEREAS, the SPE, the District, and U.S. Bank National Association, as trustee (the “**Trustee**”) desire to enter into a Tri-Party Agreement (the “**Tri-Party Agreement**”), in substantially the form attached hereto as **Exhibit A**, for purposes of memorializing the Deposit

delivered to the District, the uses and purposes therefor, and other relevant terms and conditions; and

WHEREAS, the Tri-Party Agreement contains additional background information concerning the parties, their relationship with one another, and the purpose thereof; and

WHEREAS, the Board of Supervisors of the District (the “**Board**”) hereby determines, that it is necessary and desirable for the District to enter into the Tri-Party Agreement with SPE and the Trustee and for the purposes set forth herein and therein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals and exhibits are hereby incorporated into this Resolution by this reference.

SECTION 2. APPROVAL OF AGREEMENTS. The Tri-Party Agreement is hereby approved in substantial form. The Chair or the Vice Chair of the Board are hereby authorized and directed to execute and deliver said agreements on behalf of and in the name of the District. The Secretary or any Assistant Secretary of the Board is hereby authorized to attest such execution. Any additions, deletions or modifications may be made and approved by the Chair or the Vice Chair and their execution of the agreements shall be conclusive evidence of such approval.

SECTION 3. AUTHORIZATION. The foregoing officers are further authorized to take all other action necessary or required to carry out the intent of the foregoing.

SECTION 4. INCONSISTENT RESOLUTIONS AND MOTIONS. All prior resolutions of the Board inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform with the provisions herein contained and, except as so modified, supplemented and amended hereby, shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE OF RESOLUTION. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 19th DAY OF AUGUST, 2019.

Attest:

**Chapel Creek
Community Development District**

Jordan Lansford
Assistant Secretary

Dale S. Jones, Jr.
Chair of the Board of Supervisors

Tab 3

RESOLUTION 2019-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING ISSUANCE OF LETTERS OF CREDIT FOR MAINTENANCE BONDS TO PASCO COUNTY; AUTHORIZING THE CHAIR OR VICE CHAIR AND THE DISTRICT MANAGER TO EXECUTE AND DELIVER NECESSARY DOCUMENTS AND INSTRUMENTS TO SUNTRUST BANK OR ITS AFFILIATES; AUTHORIZING THE DISTRICT MANAGER TO TRANSFER AND DEPOSIT AVAILABLE FUNDS TO SECURE DELIVERY OF THE LETTERS OF CREDIT; AUTHORIZING INVESTMENT OF SUCH FUNDS IN CERTIFICATES OF DEPOSIT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Chapel Creek Community Development District (the “**District**”) is a local unit of special-purpose government established and existing pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*, as amended (the “**Act**”), for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, the District is located in Pasco County, Florida (the “**County**”); and

WHEREAS, the District was created in accordance with the Act and Ordinance No. 05-35 enacted by the Board of County Commissioners of the County, effective on August 29, 2005; and

WHEREAS, among other things, the District is authorized, pursuant to Section 190.011, *Florida Statutes*, to borrow and expend funds for District purposes, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and

WHEREAS, the District is further authorized pursuant to Section 190.012, *Florida Statutes*, to finance, plan, acquire, construct, equip, operate, and maintain systems, facilities and basic infrastructure, including without limitation, water supply facilities, sewer and wastewater management facilities, roads, and improvements for stormwater water management and control for lands within the District (collectively, the “**Improvements**”); and

WHEREAS, the District contracted for and constructed such Improvements on certain lands within the District to be known as Chapel Creek Phase 1B, Village 4 (“**Village 4**”); and

WHEREAS, the Village 4 landowner desires to file the plat for Village 4 and requested that the District provide or otherwise satisfy the County’s requirement for delivery of maintenance bonds to warranty the performance of the Village 4 Improvements to be transferred or conveyed to the County; and

WHEREAS, the conveyance or dedication of the Village 4 Improvements to the County and the timely filing of the plat for Village 4 are in the best interests of the District; and

WHEREAS, the District desires to obtain and provide suitable letters of credit to the County in lieu of maintenance bonds, and the County is willing to accept the letters of credit for such purposes and to facilitate filing of the Village 4 plat; and

WHEREAS, the governing Board of Supervisors (the “**Board**”) of the District desires to authorize certain officers of the Board, together with the District Manager, as an authorized agent of the District, to cause the issuance of two (2) letters of credit (“**Letters of Credit**”) by SunTrust Bank or its affiliates (the “**Bank**”) to the County on such terms and conditions as are required by the Bank.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CHAPEL CREEK COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The foregoing recitals are incorporated herein by this reference.

SECTION 2. This Resolution is enacted pursuant to provisions of the Act. The District hereby determines that enactment of this Resolution is necessary to carry out the powers, purposes, and duties expressly provided in the Act, that each and every matter and thing as to which provision is made herein is necessary in order to carry out and effectuate the purposes of the District in accordance with the Act and to carry out and effectuate the plan and purpose of the Act, and that the powers of the District herein exercised are in each case exercised in accordance with the provisions of the Act and in furtherance of the purposes of the District.

SECTION 3. It is in the best interests of the District to provide the Letters of Credit to the County, in lieu of maintenance bonds, for such periods of time as are required by the County to warranty the performance of the Village 4 Improvements, and to facilitate the platting of Village 4 and conveyance or dedication of the Village 4 Improvements to the County.

SECTION 4. Dale S. Jones, Jr., as Chair of the Board, or Robert Bishop, as Vice Chair of the Board, with the assistance of the District Manager, Rizzetta & Company, as an authorized agent of the District, are hereby authorized, empowered and directed, individually and collectively, to do all acts and things required of them by this Resolution, or desirable and consistent with the requirements hereof, and such officer or authorized agent of the District is hereby authorized and directed to execute and deliver any and all documents and instruments necessary to secure and obtain the Letters of Credit from the Bank, payable to the County, in the following estimated amounts* and terms**, and for the stated purposes:

- a. \$21,499.65 (estimated), expiring on or about April 7, 2021, for the water and waste water utility maintenance warranty period; and
- b. \$43,153.65 (estimated), expiring on or about April 7, 2023, for the roads and drainage maintenance warranty period.

*The actual amount of each letter of credit is subject to change and shall be finally determined by the County, provided, however, that the aggregate amount of the Letters of Credit shall not exceed the maximum amount of the Deposit (defined in Section 5 below).

** The term may be subject to change and shall be for such periods of time as are required by the County.

SECTION 5. The District Manager is expressly authorized and directed to transfer and deliver to the Bank from available funds an amount not to exceed \$70,000.00 (the “**Deposit**”), to secure the Letters of Credit. The District Manager and/or the aforesaid officers of the District are further

authorized and directed to provide for investment of the Deposit in certificates of deposit issued by the Bank, at current market rates, having maturity dates corresponding to the expiration date of the Letters of Credit.

SECTION 6. The foregoing officers and authorized agent of the District are further authorized and directed to take any and all such action as may be required to carry out the intent of this Resolution.

SECTION 7. This Resolution replaces any prior resolutions, policies, actions or any portion or content included therein in conflict with this Resolution.

SECTION 8. If any section or part of a section of this Resolution is declared invalid, unconstitutional, or inconsistent with any law or regulation, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 9. This Resolution shall take effect immediately upon the passage and adoption of this Resolution by the Board.

PASSED AND ADOPTED THIS 19TH DAY OF AUGUST, 2019.

Attest:

**Chapel Creek
Community Development District**

Jordan Lansford
Assistant Secretary

Dale S. Jones, Jr.
Chair of the Board of Supervisors