

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**HERITAGE ISLE AT VIERA
COMMUNITY DEVELOPMENT DISTRICT**

The **continued** meeting of the Board of Supervisors of Heritage Isle at Viera Community Development District was held on **Tuesday, April 23, 2013 at 10:30 a.m.** at the Brevard County Government Center, located at 2725 Judge Fran Jamieson Way, Building C, Viera, FL 32940.

Present and constituting a quorum:

Bernie Reed	Board Supervisor, Chairman
Jay Williams	Board Supervisor, Vice Chairman
Kenneth Bonin	Board Supervisor, Assistant Secretary
Jim Brown	Board Supervisor, Assistant Secretary
Joe Fulghum	Board Supervisor, Assistant Secretary

Also present were:

Melissa Dobbins	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping Green & Sams, P.A.
Hassan Kamal	District Engineer, BSE consultants
Darcie Madison	Leland Management
Tony Romano	Tropic Care
John Valantsis	Lennar

Audience Members

FIRST ORDER OF BUSINESS

Call to Order

Mr. Reed called the meeting to order at 10:34 a.m. and read the roll call.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Regular Meeting held
March 26, 2013**

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board approved the Minutes of the Board of Supervisors' Regular Meeting held March 26, 2013 for Heritage Isle at Viera Community Development District.

THIRD ORDER OF BUSINESS

**Consideration of the Operation and
Maintenance Expenditures for March 2013**

On Motion by Mr. Brown, seconded by Mr. Reed, with all in favor, the Board ratified the Operation and Maintenance Expenditures for March 2013 in the amount of \$43,041.86 for Heritage Isle at Viera Community Development District.

FOURTH ORDER OF BUSINESS

**Discussion of Non-Exclusive Temporary
Construction Agreement**

Mr. Valantsis presented plans from Lennar Homes which included a map that indicated the area off Broderick Dr. where under drain installation will be done. Per Lennar, work will commence on April 29, 2013 and is expected to be completed in approximately 40 days.

Mr. Valantsis stated the work is being videotaped and any damages to CDD improvements would be repaired by Lennar.

Mr. Earlywine reviewed an agreement, Exhibit 'A', that would apply to work affecting the CDD's sidewalk and storm water infrastructure and that would give the CDD rights to inspect the work. He reviewed certain proposed changes to the agreement.

After further discussion, the Board requested to modify the proposed agreement to provide additional notice (10 days instead of 2 days) regarding any work.

The Board of Supervisors approved the Non-Exclusive Temporary Construction Agreement in substantial form subject to the changes made on the record and authorized the Chairman to execute the agreement after his final review.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the Non-Exclusive Temporary Construction Agreement in substantial form subject to the changes made on the record and authorized the Chairman to execute the agreement after his final review for Heritage Isle at Viera Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of 7B Plat

Mr. Earlywine requested that agenda items 3B and 3C be reviewed together since the plat is an exhibit to Resolution 2013-09.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2013-09,
Addressing True-Up Related Items (2005
Debt Assessments)**

After Board discussion, Resolution 2013-09 and exhibits were tabled due to the limited time the Board had to review the material and to give more time to receive final numbers in the resolution

exhibits. In particular, the developer had only very recently provided a copy of the future development plan.

On Motion by Mr. Reed, seconded by Mr. Brown, with all in favor, the Board tabled Resolution 2013-09 and exhibits due to the limited time the Board had to review the material and to give more time to receive final numbers in the resolution exhibits for Heritage Isle at Viera Community Development District.

SEVENTH ORDER OF BUSINESS

Discussion of the District Engineer RFQ Proposal Criteria

The District Engineer RFQ, previously approved by the Board, was reviewed again to address questions from individual supervisors.

The Board of Supervisors directed staff to add language to include the CDD property of walking trails and bridges, the number of established homes within the District and to reference the Disclosure of Public Finance for any additional information regarding the District's infrastructure.

The Board of Supervisors accepted the above changes and directed staff to move forward with the District Engineer RFQ ad.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board accepted the revised RFQ and directed staff to move forward with the District Engineer RFQ ad for Heritage Isle at Viera Community Development District.

EIGHT ORDER OF BUSINESS

Staff Reports

A. District Counsel
No Report.

B. District Engineer
Mr. Kamal updated the Board of Supervisors on the following issues: the Pond Expansion by Lennar is about 75% complete, the North Entrance Sidewalk Improvements are close to being finished, and the lot grading being done by Lennar throughout the community is on going.

Mr. Kamal reviewed the 2013 Infrastructure Maintenance Replacement and Repair Contractor Bid Tabulations. Four bids were received from Goodson Paving, Watson Site Development, Support Construction and Brewer Paving.

After discussion, the Board of Supervisors approved all work to be completed by Brewer Paving with an amount not to exceed \$31,950 with the CDD to request that Lennar pay for Phase 7 work due to on-going construction in that area.

On Motion by Mr. Reed, seconded by Mr. Brown, with all in favor, the Board approved all work to be completed by Brewer Paving with an amount not to exceed \$31,950 with the CDD to request Lennar pay for Phase 7 work due to on-going construction in that area for Heritage Isle at Viera Community Development District.

Mr. Kamal also noted that he requested bids for Bridge Maintenance and Repairs. Four companies have shown interest, but he has not received any bids and will follow up with interested parties.

C. District Manager

Ms. Dobbins noted that the next regularly scheduled meeting will be held May 28, 2013.

Ms. Dobbins reported that the additional Pet Station in Phase 6 was installed at no charge by Tropic-Care.

Ms. Dobbins updated the Board of Supervisors that there are four streetlights off of Legacy which residents, who live close to them, are requesting a shield be placed inside the light fixture to help dim the light shining into their homes and back patios. The cost to insert four shields is approximately \$900 total. The Board of Supervisors tabled this item until the May meeting.

D. Tropic Care

Mr. Romano reviewed the landscape replacements needed in the parks, attached as Exhibit 'B'.

The Board of Supervisors approved the landscape replacements noted in Exhibit 'C' with an amount not to exceed \$2,083.50.

On Motion by Mr. Reed, seconded by Mr. Williams, with all in favor, the Board approved the landscape replacements noted in Exhibit 'C' with an amount not to exceed \$2,083.50 for Heritage Isle at Viera Community Development District.

NINTH ORDER OF BUSINESS

Audience Comments and Supervisor Requests

There were no audience comments.

Mr. Fulghum requested that agenda item 3B, Consideration of 7B Plat, be considered separately since the True-Up Resolution was tabled.

The Board of Supervisors continued the meeting until May 7, 2013 at 10:30 a.m. at the Clubhouse, located at 6800 Legacy Blvd Viera, FL. 32940 to review Resolution 2013-09 and Plat if Lennar will cover the meeting cost.

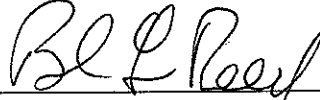
THIRTEENTH ORDER OF BUSINESS

Continuance

On Motion by Mr. Reed, seconded by Mr. Brown, with all in favor, the Board continued the Meeting of the Board of Supervisors for May 7, 2013 at 10:30 a.m. for Heritage Isle at Viera Community Development District, provided that such meeting will only be held if Lennar agrees to cover the cost of the continued meeting.



Secretary/Assistant Secretary



Chairman/Vice Chairman

Exhibit 'A'

NON-EXCLUSIVE TEMPORARY CONSTRUCTION AGREEMENT
(DRAINAGE SYSTEM RELATED WORK)

THIS NON-EXCLUSIVE TEMPORARY CONSTRUCTION AGREEMENT (“Agreement”) is made this _____ day of _____, 2013 by **HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, whose address is 2806 N. 5th Street, Unit 403, St. Augustine, Florida 32084 (“**District**”), and **LENNAR HOMES, LLC**, a Florida limited liability company, whose address is 700 NW 107th Avenue, Suite 400, Miami, Florida 33172 (“**Lennar**”) (District and Lennar are sometimes together referred to herein as the “**Parties**,” and separately as the “**Party**”).

WITNESSETH:

WHEREAS, Lennar is in the process of making certain drainage-system related repairs and/or modifications on private property that require Lennar to repair, modify and/or affect sidewalks and/or tie into the existing storm water system for the project known as Heritage Isle at Viera, and

WHEREAS, Lennar and the District desire to facilitate the District’s review of any such work (“**Work**”) involving two or more existing lots;

NOW, THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration and the mutual covenants of the Parties, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and by this reference are incorporated as a material part of this Agreement.

2. **Work Coordination Protocol.** Prior to conducting any Work, Lennar shall provide two (2) days notice (“**Commencement Notice**”) in writing to the District’s Manager, Melissa Dobbins at the address first listed above or mdobbins@rizzetta.com. As part of the Commencement Notice, Lennar shall submit approved plans, specifications and/or a complete description of the proposed Work, and a permit for the Work issued by Brevard County. The Work description shall include, but not be limited to the following information:

- a. Project location
- b. Project schedule – expected start date and completion date
- c. Description/listing of District facilities that will be impacted by the proposed Work
- d. Description of the Work
- e. If applicable, or if requested by the District in its sole discretion, photo documentation of the condition of the District facilities prior to the start of any Work.

- f. If any governmental permits are required to complete the Work, a listing of the permits and status of permit approval.
- g. Name and contact information for Lennar's project manager.

Upon completion of the Work, and as the Work is proceeding if requested by the District, Lennar shall schedule an inspection with District Staff to review the completed Work and confirm that all applicable Work was done in accordance with the approved proposal, permits, etc. Any deficiencies in the Work shall be identified and corrected within 30 days of the inspection. The District shall have the opportunity to conduct a further inspection of any corrected deficiencies. Additionally, at the District's request, Lennar shall provide "as-built" drawings of the Work.

3. **Limitations on Liability; Other Rights.** Nothing contained in this Agreement shall constitute or be construed as a waiver of District's limitations on liability set forth in section 768.28, Florida Statutes, and other applicable law. By entering into this Agreement, the Parties reserve all rights and remedies that they may otherwise have at law and equity, and nothing herein shall be deemed to limit any such rights and remedies. By conducting any inspection hereunder, the District is only reviewing the Work as it relates to the repair, modification and/or effects to sidewalks and/or tie-ins to the District's existing storm water system, and shall not be deemed to assume responsibility (maintenance responsibility or otherwise) for any work performed, or structures installed, on private lots.

[Remainder of page left intentionally blank]

IN WITNESS WHEREOF, District and Lennar caused this Agreement to be executed, to be effective as of the day and year first written above.

WITNESSES:

Signed, sealed and delivered
in the presence of:

**Heritage Isle at Viera Community
Development District**

Print Name: _____

By: _____
Chairperson/Vice Chairperson

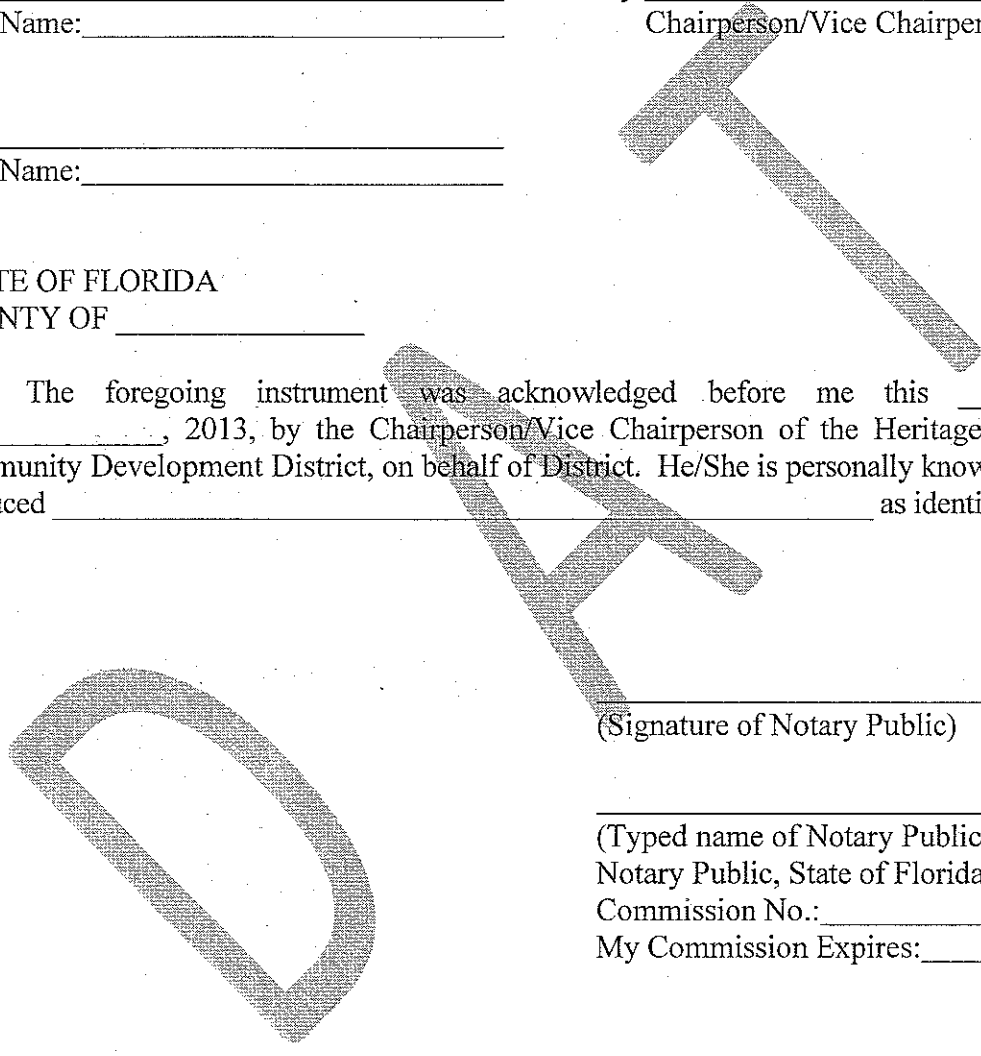
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by the Chairperson/Vice Chairperson of the Heritage Isle at Viera Community Development District, on behalf of District. He/She is personally known to me or has produced _____ as identification.

(Signature of Notary Public)

(Typed name of Notary Public)
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____



Signed, sealed and delivered
in the presence of:

Lennar Homes, LLC

Print Name: _____

By: _____
Name: _____
Title: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing was sworn to and subscribed before me this _____ day of _____,
2013, by _____, as _____ of Lennar Homes,
LLC. He/She is personally known to me or has produced
_____ as identification.

(Signature of Notary Public)

(Typed name of Notary Public)
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

Exhibit 'B'

Melissa G. Dobbins

Subject: FW: Landscape Items

From: tropiccare7@aol.com [<mailto:tropiccare7@aol.com>]

Sent: Thursday, April 18, 2013 8:41 AM

To: Melissa G. Dobbins

Subject: Re: Landscape Items

1. Phase 1 Park	Good	
2. Phase 2. Park	120- 1 Gal Juniper @4.95	\$594.00
3. Phase 3 Park	18- 3 Gal Viburnum @ 10.00	\$180.00
4. Phase 4 Park	8- 1 Gal Cord @3.95	\$ 31.60
5. Phase 5 Park	1- 30 Gal Roebelenii Palm @ 150.00	\$150.00
	3- 3 Gal Shilling @ 10.00	\$ 30.00
6. Phase 6 Park	2- 1 Gal Cord @ 3.95	\$ 7.90
7. Legacy Blvd	2- 30 Gal Pines @ 145.00	\$ 290.00
	60- 3 Gal Viburnum @ 10.00	\$ 600.00
	Misc Sod	\$ 200.00
	Total	\$2083.50

Tony
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