

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**January 18, 2022**

**BOARD OF SUPERVISORS**

**PUBLIC HEARINGS AND**

**REGULAR MEETING**

**AGENDA**

**Merrick Square Community Development District**  
**OFFICE OF THE DISTRICT MANAGER**  
**2300 Glades Road, Suite 410W•Boca Raton, Florida 33431**  
**Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013**

January 11, 2022

Board of Supervisors  
Merrick Square Community Development District

Dear Board Members:

The Board of Supervisors of the Merrick Square Community Development District will hold Public Hearings and a Regular Meeting on January 18, 2022, immediately following the adjournment of the Landowners' Meeting, scheduled to commence at 2:30 P.M., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments

**GENERAL DISTRICT ITEMS**

3. Administration of Oath of Office to Elected Board of Supervisors (*the following will be provided in a separate package*)
  - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
  - B. Membership, Obligations and Responsibilities
  - C. Financial Disclosure Forms
    - I. Form 1: Statement of Financial Interests
    - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
    - III. Form 1F: Final Statement of Financial Interests
  - D. Form 8B: Memorandum of Voting Conflict
4. Consideration of Resolution 2022-28, Canvassing and Certifying the Results of the Landowners' Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date
5. Consideration of Resolution 2022-29, Designating Certain Officers of the District, and Providing for an Effective Date

**ATTENDEES:**

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

6. Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements
  - *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*
  - *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and rights.*
  - A. Affidavit/Proof of Publication
  - B. Mailed Notice to Property Owner(s)
  - C. Engineer's Report *(for informational purposes)*
  - D. Master Special Assessment Methodology Report *(for informational purposes)*
  - E. Consideration of Resolution 2022-30, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefitted By Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments By the Methods Provided for By Chapters 170, 190 and 197, Florida Statutes; Providing for True-Up Payments; Making Provisions Relating to the Transfer of Real Property to Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date
  
7. Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes
  - A. Affidavit/Proof of Publication
  - B. Consideration of Resolution 2022-31, Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date

- 8. Consideration of Resolution 2022-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date (*deferred from December 14 meeting*)
- 9. Acceptance of Unaudited Financial Statements as of November 30, 2021
- 10. Approval of December 14, 2021 Organizational Meeting Minutes
- 11. Staff Reports
  - A. District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.*
  - B. District Engineer [Interim]: *Alvarez Engineers, Inc.*
  - C. District Manager: *Wrathell, Hunt and Associates, LLC*
    - NEXT MEETING DATE: February 15, 2022 at 2:30 P.M.

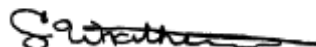
○ QUORUM CHECK

|  |                                    |                                |                             |
|--|------------------------------------|--------------------------------|-----------------------------|
|  | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
|  | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
|  | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
|  | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
|  | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |

- 12. Board Members' Comments/Requests
- 13. Public Comments
- 14. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 719-8675 or Cindy Cerbone at (561) 346-5294.

Sincerely,

  
Craig Wrathell  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**  
**CALL-IN NUMBER: 1-888-354-0094**  
**PARTICIPANT PASSCODE: 413 553 5047**

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**3**

**MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
OATH OF OFFICE**

I, \_\_\_\_\_, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF FLORIDA.

\_\_\_\_\_  
Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing oath was administered before me by means of  physical presence or  online notarization on this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of Merrick Square Community Development District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public, State of Florida  
Print Name: \_\_\_\_\_  
Commission No.: \_\_\_\_\_ Expires: \_\_\_\_\_

-----  
MAILING ADDRESS:  Home  Office County of Residence \_\_\_\_\_

\_\_\_\_\_  
Street Phone Fax

\_\_\_\_\_  
City, State, Zip Email Address

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**4**

**RESOLUTION 2022-28**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS’ ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Merrick Square Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Pembroke Pines, Florida; and

**WHEREAS**, pursuant to Section 190.006(2), *Florida Statutes*, a landowners meeting is required to be held within 90 days of the District’s creation and every two (2) years following the creation of the District for the purpose of electing supervisors of the District; and

**WHEREAS**, such landowners meeting was held at which the below recited persons were duly elected by virtue of the votes cast in their favor; and

**WHEREAS**, the Board of Supervisors of the District, by means of this Resolution, desire to canvass the votes and declare and certify the results of said election.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT:**

1. **ELECTION RESULTS.** The following persons are found, certified, and declared to have been duly elected as Supervisors of and for the District, having been elected by the votes cast in their favor as shown:

|  |               |               |
|--|---------------|---------------|
|  | <b>Seat 1</b> | <b>Votes:</b> |
|  | <b>Seat 2</b> | <b>Votes:</b> |
|  | <b>Seat 3</b> | <b>Votes:</b> |
|  | <b>Seat 4</b> | <b>Votes:</b> |
|  | <b>Seat 5</b> | <b>Votes:</b> |

2. **TERMS.** In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisors, the above-named persons are declared to have been elected for the following term of office:

|  |               |                     |
|--|---------------|---------------------|
|  | <b>Seat 1</b> | <b>__-Year Term</b> |
|  | <b>Seat 2</b> | <b>__-Year Term</b> |
|  | <b>Seat 3</b> | <b>__-Year Term</b> |
|  | <b>Seat 4</b> | <b>__-Year Term</b> |
|  | <b>Seat 5</b> | <b>__-Year Term</b> |

3. **EFFECTIVE DATE.** This resolution shall become effective immediately upon its adoption.



**PASSED AND ADOPTED** this 18th day of January, 2022.

Attest:

**MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

---

Secretary/Assistant Secretary

---

Chair/Vice Chair, Board of Supervisors

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**5**

**RESOLUTION 2022-29**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Merrick Square Community Development District (“District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors of the District desires to designate certain Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** \_\_\_\_\_ is appointed Chair.

**SECTION 2.** \_\_\_\_\_ is appointed Vice Chair.

**SECTION 3.** **Craig Wrathell** is appointed Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

**Cindy Cerbone** is appointed Assistant Secretary.

**Daniel Rom** is appointed Assistant Secretary.

**SECTION 4.** This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair, Secretary and Assistant Secretaries; however, prior appointments by the Board for Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

**SECTION 5.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 18th day of January, 2022.

ATTEST:

**MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

---

Secretary/Assistant Secretary

---

Chair/Vice Chair, Board of Supervisors

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **6A**

SUN-SENTINEL

**Sold To:**

Wrathell Hart HUnt - CU00105865  
2300 Glades Rd Ste 410W  
BOCA RATON,FL 33431

**Bill To:**

Wrathell Hart HUnt - CU00105865  
2300 Glades Rd Ste 410W  
BOCA RATON,FL 33431

**Published Daily**  
**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Florida**  
**County Of Broward**

Before the undersigned authority personally appeared Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN-SENTINEL, a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

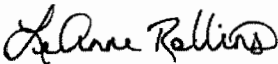
The matter of , Wrathell Hart HUnt  
Was published in said newspaper by print in the issues of, or by publication on the newspaper's website, if authorized on Dec 27, 2021

Affiant further says that the newspaper complies with all legal requirements for publication in Chapter 50, Florida Statutes.

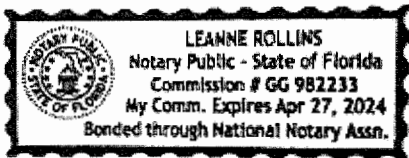


\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this: January 03, 2022.



\_\_\_\_\_  
Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF SPECIAL ASSESSMENTS  
PURSUANT TO SECTION 170.07, FLORIDA STATUTES, BY THE MERRICK SQUARE  
COMMUNITY DEVELOPMENT DISTRICT**

**NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF ASSESSMENT ROLL PURSUANT  
TO SECTION 197.3632(4)(b), FLORIDA STATUTES, BY THE MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

**NOTICE OF REGULAR MEETING OF THE MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

The Board of Supervisors ("Board") of the Merrick Square Community Development District ("District") will hold a public hearing on January 18, 2022 at 2:30 p.m., at the offices of U. H. Horton, 6122 Lyons Road, Coconut Creek, Florida 33073, to consider the adoption of an assessment roll, the imposition of special assessments to secure proposed bonds on benefited lands within the District, a depiction of which lands is shown below, and to provide for the levy, collection and enforcement of the special assessments. The streets and areas to be improved are geographically depicted below and are described in the District's Engineer's Report dated December 14, 2021, as amended from time to time ("Master Engineer's Report"). The public hearing is being conducted pursuant to Chapters 170, 190 and 197, Florida Statutes. A description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained and a copy of the Master Engineer's Report is on file and may be obtained at the office of the District Manager located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("District Manager's Office").

The District is a unit of special-purpose local government responsible for providing infrastructure improvements for lands within the District. The infrastructure improvements expected to be funded by the District ("Improvements") are described in the Master Engineer's Report, and are currently expected to include, but are not limited to, road rights-of-way and improvements (on-site and off-site), water distribution and sanitary sewer systems, stormwater management and drainage facilities, including earthwork related thereto, wetland mitigation and other improvements, together with associated soft costs, all as more specifically described in the Master Engineer's Report, on file and available during normal business hours at the District Manager's Office. According to the Master Engineer's Report, the estimated cost of the Improvements is \$4,066,000.00.

The District intends to impose assessments on benefited lands within the District in the manner set forth in the District's Master Special Assessment Methodology Report, dated December 14, 2021, as amended from time to time ("Assessment Report"), which is also on file and available during normal business hours at the District Manager's Office. The purpose of any such assessment is to secure the bonds issued to fund the Improvements.

As described in more detail in the Assessment Report, the District's assessments will be levied against all benefited lands within the District. The Assessment Report identifies maximum assessment amounts for each land use category that is currently expected to be assessed. The method of allocating assessments for the Improvements to be funded by the District will initially be determined on an equal assessment per gross acre basis, and will be allocated on an equivalent residential unit ("ERU") basis at the time that such property is platted or subject to a site plan. Please consult the Assessment Report for a more detailed explanation of the methodology.

The annual principal assessment levied against each parcel will be based on repayment over thirty (30) years of the total debt allocated to each parcel. The District expects to collect sufficient revenues to retire no more than \$5,300,000.00 in debt to be assessed by the District, exclusive of fees and costs of collection or enforcement, discounts for early payment and interest. The proposed annual schedule of assessments is as follows:

| Land Use | Total # of Units / Acres | ERU Factor | Proposed Maximum Principal Per Unit | Proposed Maximum Annual Assessment Per Unit |
|----------|--------------------------|------------|-------------------------------------|---|
| Townhome | 211                      | 1.0        | \$25,118.48                         | \$11,738.29                                 |

All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type are as set forth in the Assessment Report.

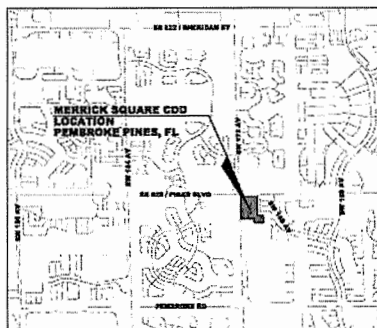
The assessments may be prepaid in whole at any time, or in some instances in part, or may be paid in not more than thirty (30) annual installments subsequent to the issuance of debt to finance the improvements. These annual assessments are anticipated to be collected on the Broward County tax roll by the Tax Collector. Alternatively, the District may choose to directly collect and enforce these assessments. All affected property owners have the right to appear at the public hearings and the right to file written objections with the District within twenty (20) days of the publication of this notice. Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing these bonds, as well as a collection protocol, will be determined. The fixed assessment amounts will be determined at a public meeting, pursuant to a supplemental assessment resolution, engineer's report and assessment methodology, but will in no event exceed the Maximum Assessments notified herein. Please note that the preceding statement only applies to capital (debt) assessments, and shall have no effect on the ability of the District to levy assessments and collect payments related to the operation and maintenance of the District.

At the same date, time, and place, the Board will hold a regular public meeting to consider any other business that may lawfully be considered by the District. The Board meeting and hearings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The Board meeting and/or the public hearings may be continued in progress to a date and time certain announced at the meeting and/or hearings.

If anyone chooses to appeal any decision of the Board with respect to any matter considered at the meeting or hearings, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which such appeal is to be based.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office, c/o Wrathell Hunt & Associates, L.L.C., 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by calling (877) 276-0880, at least forty-eight (48) hours prior to the meeting. 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), for aid in contacting the District Manager's Office.

**MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT**



Below is Resolution 2022-05, adopted by the Board at its meeting of December 14, 2021 and published herein pursuant to Section 170.05, Florida Statutes:

**RESOLUTION 2022-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT DECLARING SPECIAL ASSESSMENTS; INDICATING THE LOCATION, NATURE AND COST OF THOSE IMPROVEMENTS WHICH COST IS BEING FINANCED AND SUCH FINANCING IS TO BE DEFRAID BY THE SPECIAL ASSESSMENTS; PROVIDING THE PORTION OF THE COST OF THE IMPROVEMENTS TO BE DEFRAID BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE PAID; DESIGNATING LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAT; ADOPTING A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR PUBLICATION OF THIS RESOLUTION.**

WHEREAS, the Merrick Square Community Development District ("District") is a local unit of special-purpose government located in Broward County, Florida and established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes ("Uniform Act"); and

WHEREAS, the District is authorized by Chapter 190, Florida Statutes, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct roadways, sewer and water distribution systems, stormwater management/earthwork improvements, landscape, irrigation and entry features, conservation and mitigation, street lighting and other infrastructure projects, and services necessitated by the development of, and serving lands within, the District; and

WHEREAS, the District hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain the District's overall capital improvement plan ("Project") for all lands within the District ("Assessment Area"), as described in the Engineer's Report, dated December 14, 2021, which is attached hereto as Exhibit A and incorporated herein by reference, as amended and supplemented from time to time by the District Board of Supervisors (the "Engineer's Report"); and

WHEREAS, it is in the best interest of the District to pay for all or a portion of the cost of the Project by the levy of special assessments ("Assessments") on the Assessment Area, using the methodology set forth in that Master Special Assessment Methodology Report, dated December 14, 2021, which is attached hereto as Exhibit B, incorporated herein by reference, as amended and supplemented from time to time by the District Board of Supervisors (the "Assessment Report"), and on file with the District Manager at c/o Wrathell Hunt & Associates, L.L.C., 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("District Records Office");

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT, THAT:**

- AUTHORITY FOR THIS RESOLUTION; INCORPORATION OF RECITALS.** This Resolution is adopted pursuant to the provisions of Florida law, including without limitation Chapters 170, 190 and 197, Florida Statutes. The recitals stated above are incorporated herein and are adopted by the Board as true and correct statements.
- DECLARATION OF ASSESSMENTS.** The Board hereby declares that it has determined to make the Project and to defray all or a portion of the cost thereof by the Assessments.
- DESIGNATING THE NATURE AND LOCATION OF IMPROVEMENTS.** The nature and general location of, and plans and specifications for, the Project are described in the Engineer's Report, which is on file at the District Records Office. The Assessment Report is also on file and available for public inspection at the same location.
- DECLARING THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS, THE PORTION TO BE PAID BY ASSESSMENTS, AND THE MANNER AND TIMING IN WHICH THE ASSESSMENTS ARE TO BE PAID.**
  - The total estimated cost of the Project is \$4,066,000.00 ("Estimated Cost").
  - The Assessments will defray approximately \$5,300,000.00, which is the anticipated maximum par value of any bonds and which includes all or a portion of the Estimated Cost, as well as other financing-related costs, as set forth in the Assessment Report, and which is in addition to interest and collection costs.
  - The manner in which the Assessments shall be apportioned and paid is set forth in the Assessment Report, as may be modified by supplemental assessment resolutions. The Assessments will constitute a "master" lien, which may be imposed without further public hearing in one or more separate liens each securing a series of bonds, and each as determined by supplemental assessment resolution. With respect to each lien securing a series of bonds, the special assessments shall be paid in not more than (30) thirty yearly installments. The Assessments may be payable at the same time and in the same manner as are ad-valorem taxes and collected pursuant to Chapter 197, Florida Statutes; provided, however, that in the event the uniform non ad-valorem assessment method of collecting the Assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law, including but not limited to by direct bill. The decision to collect Assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.
- DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED.** The Assessments securing the Project shall be levied on the Assessment Area, as described in the Assessment Report, and as further designated by the assessment plat hereinafter provided for.
- ASSESSMENT PLAT.** Pursuant to Section 170.04, Florida Statutes, there is on file, at the District Records Office, an assessment plat showing the area to be assessed (i.e., Assessment Area), with certain plans and specifications describing the Project and the estimated cost of the Project, all of which shall be open to inspection by the public.
- PRELIMINARY ASSESSMENT ROLL.** Pursuant to Section 170.06, Florida Statutes, the District Manager has caused to be made a preliminary assessment roll, in accordance with the method of assessment described in the Assessment Report, which shows the lands and lands assessed, the amount of benefit to and the assessment against each lot or parcel of land and the number of annual installments into which the assessment may be divided, which assessment roll is hereby adopted and approved as the District's preliminary assessment roll.
- PUBLIC HEARINGS DECLARED; DIRECTION TO PROVIDE NOTICE OF THE HEARINGS.** Pursuant to Sections 170.07 and 197.3632(4)(b), Florida Statutes, among other provisions of Florida law, there are hereby declared the two public hearings to be held as follows:

**NOTICE OF PUBLIC HEARINGS (Chapter 170 and 197, F.S.)**

DATE: January 18, 2022  
 TIME: 2:30 PM  
 LOCATION: offices of U. H. Horton  
 6122 Lyons Road  
 Coconut Creek, FL 33073

The purpose of the public hearings is to hear comment and objections to the proposed special assessment program for the Project as identified in the preliminary assessment roll, a copy of which is on file and as set forth in the Assessment Report. Interested parties may appear at that hearing or submit their comments in writing prior to the hearings at the District Records Office.

Notices of said hearings shall be advertised in accordance with Chapters 170, 190 and 197, Florida Statutes, and the District Manager is hereby authorized and directed to place said notice in a newspaper of general circulation within Broward County (by two publications one week apart from the first publication at least twenty (20) days prior to the date of the hearing established herein). The District Manager shall file a publisher's affidavit with the District Secretary verifying such publication of notice. The District Manager is further authorized and directed to give thirty (30) days written notice by mail of the time and place of this hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all assessments may be ascertained at the District Records Office. The District Manager shall file proof of such mailing by affidavit with the District Secretary.

**PUBLICATION OF RESOLUTION.** Pursuant to Section 170.05, Florida Statutes, the District Manager is hereby directed to cause this Resolution to be published twice (once a week for two (2) weeks) in a newspaper of general circulation within Broward County and to provide such other notice as may be required by law or desired in the best interests of the District.

**CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SEVERABILITY.** If any section or part of a section of this resolution is declared invalid or unconstitutional, 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.

**EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 14th day of December, 2021.

ATTEST: **MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT**

*/s/ Daniel Rom*  
 Assistant Secretary

*/s/ Justin Tavel*  
 Chair, Board of Supervisors

Exhibit A: Engineer's Report, dated December 14, 2021  
 Exhibit B: Master Special Assessment Methodology Report, December 14, 2021

**Sun-Sentinel**

**Publication Date: 12/27/2021**

This E-Sheet confirms that the ad appeared in Sun-Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content displayed or contained on the electronic tearsheet.

Ad Number: 7110523-1

Insertion Number:

Size: 6 x 21

Color Type: B&W

Client Name:

Advertiser:

Section/Page/Zone: Main News/A005/PN

Description: Merrick Sq CDD Notice Master of Ass

Wrathell Hart HUUN

SUN-SENTINEL

**Sold To:**

Wrathell Hart HUnt - CU00105865  
2300 Glades Rd Ste 410W  
BOCA RATON,FL 33431

**Bill To:**

Wrathell Hart HUnt - CU00105865  
2300 Glades Rd Ste 410W  
BOCA RATON,FL 33431

**Published Daily**


**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Florida**  
**County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,  
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the  
attached copy of advertisement, being a Legal Notice in:

The matter of ,  
Was published in said newspaper by print in the issues of, or by publication on the  
newspaper's website, if authorized on Jan 03, 2022

Affiant further says that the newspaper complies with all legal requirements for  
publication in Chapter 50, Florida Statutes.

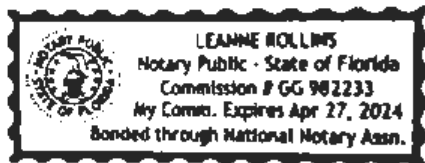


Signature of Affiant

Sworn to and subscribed before me this: January 11, 2022.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:**

**Affidavit Email Address:**

7110527



# NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF SPECIAL ASSESSMENTS PURSUANT TO SECTION 170.07, *FLORIDA STATUTES*, BY THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT

## NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF ASSESSMENT ROLL PURSUANT TO SECTION 197.3632(4)(b), *FLORIDA STATUTES*, BY THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT

### NOTICE OF REGULAR MEETING OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors ("Board") of the Merrick Square Community Development District ("District") will hold a public hearing on **January 18, 2022 at 2:30 p.m., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073**, to consider the adoption of an assessment roll, the imposition of special assessments to secure proposed bonds on benefited lands within the District, a depiction of which lands is shown below, and to provide for the levy, collection and enforcement of the special assessments. The streets and areas to be improved are geographically depicted below and are described in the District's *Engineer's Report dated December 14, 2021, as amended from time to time ("Master Engineer's Report")*. The public hearing is being conducted pursuant to Chapters 170, 190 and 197, *Florida Statutes*. A description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained and a copy of the Master Engineer's Report is on file and may be obtained at the office of the District Manager located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("**District Manager's Office**").

The District is a unit of special-purpose local government responsible for providing infrastructure improvements for lands within the District. The infrastructure improvements expected to be funded by the District ("**Improvements**") are described in the Master Engineer's Report, and are currently expected to include, but are not limited to, road rights-of-way and improvements (onsite and offsite), water distribution and sanitary sewer systems, stormwater management and drainage facilities, including earthwork related thereto, wetland mitigation and other improvements, together with associated soft costs, all as more specifically described in the Master Engineer's Report, on file and available during normal business hours at the District Manager's Office. According to the Master Engineer's Report, the estimated cost of the Improvements is **\$4,066,000.00**.

The District intends to impose assessments on benefited lands within the District in the manner set forth in the District's *Master Special Assessment Methodology Report, dated December 14, 2021, as amended from time to time ("Assessment Report")*, which is also on file and available during normal business hours at the District Manager's Office. The purpose of any such assessment is to secure the bonds issued to fund the Improvements.

As described in more detail in the Assessment Report, the District's assessments will be levied against all benefited lands within the District. The Assessment Report identifies maximum assessment amounts for each land use category that is currently expected to be assessed. The method of allocating assessments for the Improvements to be funded by the District will initially be determined on an equal assessment per gross acre basis, and will be allocated on an equivalent residential unit ("**ERU**") basis at the time that such property is platted or subject to a site plan. Please consult the Assessment Report for a more detailed explanation of the methodology.

The annual principal assessment levied against each parcel will be based on repayment over thirty (30) years of the total debt allocated to each parcel. The District expects to collect sufficient revenues to retire no more than **\$5,300,000.00** in debt to be assessed by the District, exclusive of fees and costs of collection or enforcement, discounts for early payment and interest. The proposed annual schedule of assessments is as follows:

| Land Use | Total # of Units / Acres | ERU Factor | Proposed Maximum Principal Per Unit | Proposed Maximum Annual Assessment Per Unit |
|----------|--------------------------|------------|-------------------------------------|---|
| Townhome | 211                      | 1.0        | \$25,118.48                         | \$11,738.29                                 |
|          |                          |            |                                     |   |

**All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type are as set forth in the Assessment Report.**

The assessments may be prepaid in whole at any time, or in some instances in part, or may be paid in not more than thirty (30) annual installments subsequent to the issuance of debt to finance the improvements. These annual assessments are anticipated to be collected on the Broward County tax roll by the Tax Collector. Alternatively, the District may choose to directly collect and enforce these assessments. All affected property owners have the right to appear at the public hearings and the right to file written objections with the District within twenty (20) days of the publication of this notice. Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing those bonds, as well as a collection protocol, will be determined. The fixed assessment amounts will be determined at a public meeting, pursuant to a supplemental assessment resolution, engineer's report and assessment methodology, but will in no event exceed the Maximum Assessments noticed herein. Please note that the preceding statement only applies to capital (debt) assessments, and shall have no effect on the ability of the District to levy assessments and collect payments related to the operation and maintenance of the District.

At the same date, time, and place, the Board will hold a regular public meeting to consider any other business that may lawfully be considered by the District. The Board meeting and hearings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. The Board meeting and/or the public hearings may be continued in progress to a date and time certain announced at the meeting and/or hearings.

If anyone chooses to appeal any decision of the Board with respect to any matter considered at the meeting or hearings, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which such appeal is to be based.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office, c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by calling (877) 276-0889, at least forty-eight (48) hours prior to the meeting. 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), for aid in contacting the District Manager's Office.

**MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT**



Below is Resolution 2022-05, adopted by the Board at its meeting of December 14, 2021 and published herein pursuant to Section 170.05, Florida Statutes:

**RESOLUTION 2022-25**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT DECLARING SPECIAL ASSESSMENTS; INDICATING THE LOCATION, NATURE AND COST OF THOSE IMPROVEMENTS WHICH COST IS BEING FINANCED AND SUCH FINANCING IS TO BE DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE PORTION OF THE COST OF THE IMPROVEMENTS TO BE DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE PAID; DESIGNATING LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAT; ADOPTING A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR PUBLICATION OF THIS RESOLUTION.**

**WHEREAS**, the Merrick Square Community Development District ("**District**") is a local unit of special-purpose government located in Broward County, Florida and established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes* ("**Uniform Act**"), and

**WHEREAS**, the District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct roadways, sewer and water distribution systems, stormwater management/earthwork improvements, landscape, irrigation and entry features, conservation and mitigation, street lighting and other infrastructure projects, and services necessitated by the development of, and serving lands within, the District; and

**WHEREAS**, the District hereby determines to undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate, and/or maintain the District's overall capital improvement plan ("**Project**") for all lands within the District ("**Assessment Area**"), as described in the *Engineer's Report*, dated December 14, 2021, which is attached hereto as **Exhibit A** and incorporated herein by reference, as amended and supplemented from time to time by the District Board of Supervisors (the "**Engineer's Report**"); and

**WHEREAS**, it is in the best interest of the District to pay for all or a portion of the cost of the Project by the levy of special assessments ("**Assessments**") on the Assessment Area, using the methodology set forth in that *Master Special Assessment Methodology Report*, dated December 14, 2021, which is attached hereto as **Exhibit B**, incorporated herein by reference, as amended and supplemented from time to time by the District Board of Supervisors (the "**Assessment Report**"), and on file with the District Manager at c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("**District Records Office**");

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT, THAT:**

1. **AUTHORITY FOR THIS RESOLUTION; INCORPORATION OF RECITALS.** This Resolution is adopted pursuant to the provisions of Florida law, including without limitation Chapters 170, 190 and 197, *Florida Statutes*. The recitals stated above are incorporated herein and are adopted by the Board as true and correct statements.
2. **DECLARATION OF ASSESSMENTS.** The Board hereby declares that it has determined to make the Project and to defray all or a portion of the cost thereof by the Assessments.
3. **DESIGNATING THE NATURE AND LOCATION OF IMPROVEMENTS.** The nature and general location of, and plans and specifications for, the Project are described in the Engineer's Report, which is on file at the District Records Office. The Assessment Report is also on file and available for public inspection at the same location.
4. **DECLARING THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS, THE PORTION TO BE PAID BY ASSESSMENTS, AND THE MANNER AND TIMING IN WHICH THE ASSESSMENTS ARE TO BE PAID.**
  - A. The total estimated cost of the Project is **\$4,066,000.00** ("**Estimated Cost**").
  - B. The Assessments will defray approximately **\$5,300,000.00**, which is the anticipated maximum par value of any bonds and which includes all or a portion of the Estimated Cost, as well as other financing-related costs, as set forth in the Assessment Report, and which is in addition to interest and collection costs.
  - C. The manner in which the Assessments shall be apportioned and paid is set forth in the Assessment Report, as may be modified by supplemental assessment resolutions. The Assessments will constitute a "master" lien, which may be imposed without further public hearing in one or more separate liens each securing a series of bonds, and each as determined by supplemental assessment resolution. With respect to each lien securing a series of bonds, the special assessments shall be paid in not more than (30) thirty yearly installments. The Assessments may be payable at the same time and in the same manner as are ad-valorem taxes and collected pursuant to Chapter 197, *Florida Statutes*; provided, however, that in the event the uniform non ad-valorem assessment method of collecting the Assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law, including but not limited to by direct bill. The decision to collect Assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.
5. **DESIGNATING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED.** The Assessments securing the Project shall be levied on the Assessment Area, as described in the Assessment Report, and as further designated by the assessment plat hereinafter provided for.
6. **ASSESSMENT PLAT.** Pursuant to Section 170.04, *Florida Statutes*, there is on file, at the District Records Office, an assessment plat showing the area to be assessed (i.e., Assessment Area), with certain plans and specifications describing the Project and the estimated cost of the Project, all of which shall be open to inspection by the public.
7. **PRELIMINARY ASSESSMENT ROLL.** Pursuant to Section 170.06, *Florida Statutes*, the District Manager has caused to be made a preliminary assessment roll, in accordance with the method of assessment described in the Assessment Report, which shows the lots and lands assessed, the amount of benefit to and the assessment against each lot or parcel of land and the number of annual installments into which the assessment may be divided, which assessment roll is hereby adopted and approved as the District's preliminary assessment roll.
8. **PUBLIC HEARINGS DECLARED; DIRECTION TO PROVIDE NOTICE OF THE HEARINGS.** Pursuant to Sections 170.07 and 197.3632(4)(b), *Florida Statutes*, among other provisions of Florida law, there are hereby declared the two public hearings to be held as follows:

**NOTICE OF PUBLIC HEARINGS (Chapter 170 and 197, F.S.)**

|           |  |
|-----------|--|
| DATE:     | January 18, 2022   |
| TIME:     | 2:30 PM  |
| LOCATION: | offices of D.R. Horton<br>6123 Lyons Road<br>Coconut Creek, FL 33073 |

The purpose of the public hearings is to hear comment and objections to the proposed special assessment program for the Project as identified in the preliminary assessment roll, a copy of which is on file and as set forth in the Assessment Report. Interested parties may appear at that hearing or submit their comments in writing prior to the hearings at the District Records Office.

Notices of said hearings shall be advertised in accordance with Chapters 170, 190 and 197, *Florida Statutes*, and the District Manager is hereby authorized and directed to place said notice in a newspaper of general circulation within Broward County (by two publications one week apart with the first publication at least twenty (20) days prior to the date of the hearing established herein). The District Manager shall file a publisher's affidavit with the District Secretary verifying such publication of notice. The District Manager is further authorized and directed to give thirty (30) days written notice by mail of the time and place of this hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all assessments may be ascertained at the District Records Office. The District Manager shall file proof of such mailing by affidavit with the District Secretary.

9. **PUBLICATION OF RESOLUTION.** Pursuant to Section 170.05, *Florida Statutes*, the District Manager is hereby directed to cause this Resolution to be published twice (once a week for two (2) weeks) in a newspaper of general circulation within Broward County and to provide such other notice as may be required by law or desired in the best interests of the District.
10. **CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.
11. **SEVERABILITY.** If any section or part of this resolution be declared invalid or unconstitutional, 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.
12. **EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

**PASSED AND ADOPTED** this 14th day of December, 2021.

ATTEST: **MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT**  
*s/ Daniel Rom* *s/ Javier Tavel*  
 Assistant Secretary Chair, Board of Supervisors

**Exhibit A:** *Engineer's Report, dated December 14, 2021*  
**Exhibit B:** *Master Special Assessment Methodology Report, December 14, 2021*

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **6B**

**Merrick Square Community Development District**  
**OFFICE OF THE DISTRICT MANAGER**  
**2300 Glades Road, Suite 410W•Boca Raton, Florida 33431**  
**Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013**

**Via First Class U.S. Mail and Email**

December 17, 2021

D.R. Horton, Inc.  
6123 Lyons RD  
Coconut Creek, FL 33073

Parcel Number: 5140 17 02 0050

**RE: Merrick Square Community Development District (“District”)  
Notice of Hearings on Debt Assessments**

Dear Property Owner:

In accordance with Chapters 170, 190 and 197, *Florida Statutes*, the District’s Board of Supervisors (“**Board**”) hereby provides notice of the following public hearings, and public meeting:

**PUBLIC HEARINGS AND MEETING**

|           |  |
|-----------|--|
| DATE:     | January 18, 2022   |
| TIME:     | 2:30 p.m.  |
| LOCATION: | Office of D.R. Horton<br>6123 Lyons Road<br>Coconut Creek, Florida 33073 |

The purpose of the public hearings announced above is to consider the imposition of special assessments (“**Debt Assessments**”), and adoption of an assessment roll to secure proposed bonds, on benefited lands within the District, and, to provide for the levy, collection and enforcement of the Debt Assessments. The proposed bonds secured by the Debt Assessments are intended to finance certain public infrastructure improvements, including, but not limited to, road rights-of-way and improvements (onsite and offside), water distribution and sanitary sewer systems, stormwater management and drainage facilities, including related earthwork, wetland mitigation, and other infrastructure improvements, together with associated soft costs (together, “**Project**”), benefitting certain lands within the District. The Project is described in more detail in the *Engineer’s Report Infrastructure Improvements*, dated December 14, 2021, as amended from time to time, (“**Engineer’s Report**”). The Debt Assessments are proposed to be levied as one assessment lien and allocated to the benefitted lands within one assessment area, as set forth in the *Master Special Assessment Methodology Report*, dated December 14, 2021, as amended from time to time, (“**Assessment Report**”). Copies of the Engineer’s Report and Assessment Report are attached hereto. As required by Chapters 170, 190 and 197, *Florida Statutes*, the Assessment Report, together with the Engineer’s Report, describe in more detail the purpose of the Debt Assessments; the total amount to be levied against each parcel of land within the District; the units of measurement to be applied against each parcel to determine the Debt Assessments; the number of such units contained within each parcel; and the total revenue the District will collect by the Debt Assessments. At the conclusion of the public hearings, the Board will, by resolution, levy and impose the Debt Assessments as finally approved by the Board. A special meeting of the District will also be held where the Board may consider any other business that may properly come before it.

The Debt Assessments constitute a lien against benefitted property located within the District just as do each year's property taxes. For the Debt Assessments, the District may elect to have the County Tax Collector collect the assessments, or alternatively may collect the assessments by sending out an annual bill. For delinquent assessments that were initially directly billed by the District, the District may initiate a foreclosure action or may place the delinquent assessments on the next year's county tax bill. IT IS IMPORTANT TO PAY YOUR ASSESSMENT BECAUSE FAILURE TO PAY WILL CAUSE A TAX CERTIFICATE TO BE ISSUED AGAINST THE PROPERTY WHICH MAY RESULT IN LOSS OF TITLE, OR FOR DIRECT BILLED ASSESSMENTS, MAY RESULT IN A FORECLOSURE ACTION, WHICH ALSO MAY RESULT IN A LOSS OF TITLE. The District's decision to collect assessments on the tax roll or by direct billing does not preclude the District from later electing to collect those or other assessments in a different manner at a future time.

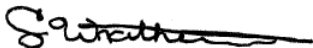
The District is located entirely within the City of Pembroke Pines, Broward County, Florida, and consists of approximately 23.501 +/- acres of land. The site is generally located east of SW 172 Avenue, south of Pines Boulevard (Hollywood Boulevard), west of SW 168 Avenue and north of Pembroke Road. All lands within the District are expected to be improved in accordance with the reports identified above. A geographic description of the property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the "District's Office" located at c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (877)276-0889. Also, a copy of the agendas and other documents referenced herein may be obtained from the District Office.

The public hearings and meeting are open to the public and will be conducted in accordance with Florida law. The public hearings and meeting may be continued to a date, time, and place to be specified on the record. There may be occasions when staff or board members may participate by speaker telephone. Any person requiring special accommodations because of a disability or physical impairment should contact the District Office at least forty-eight (48) hours prior to the meeting. 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), for aid in contacting the District Office.

Please note that all affected property owners have the right to appear and comment at the public hearings and meeting, and may also file written objections with the District Office within twenty (20) days of issuance of this notice. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or meeting is advised that person will need a record of 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 such appeal is to be based.

If you have any questions, please do not hesitate to contact the District Office.

Sincerely,



Craig Wrathell  
District Manager

**ATTACHMENTS:** Engineer's Report and Assessment Report (with Legal Descriptions of Lands)

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**6C**

**Merrick Square Community Development District**

**Engineer's Report**  
Infrastructure Improvements

Prepared for  
**Merrick Square Community Development District**  
**Board of Supervisors**  
City of Pembroke Pines, Broward County, Florida

Prepared by  
**Alvarez Engineers, Inc.**

8935 NW 35 Lane, Suite 101  
Doral, FL 33172  
Telephone 305-640-1345

E-Mail Address: [Info@Alvarezeng.com](mailto:Info@Alvarezeng.com)

**Accepted**  
**December 14, 2021**

**TABLE OF CONTENTS**

**Narrative**

I. Introduction ..... 1  
II. Purpose of this Engineer’s Report ..... 2  
III. Description of the Public Infrastructure ..... 2  
IV. Estimated Schedule of Construction of the Public Infrastructure ..... 4  
V. Ownership and Maintenance ..... 4  
VI. Permitting Status ..... 5  
VII. Estimate of Public Infrastructure Costs ..... 5  
VIII. Engineer’s Certification ..... 6

**Exhibits (Maps)**

Exhibit 1, Location Map ..... 8  
Exhibit 2, CDD Boundary and Parcels ..... 9

**Tables (Construction Cost Estimate Details)**

Estimate of Construction Costs ..... 10 - 12

**I. Introduction.**

The Merrick Square Community Development District (the “District” or “CDD”) was established by the City of Pembroke Pines by enacting Ordinance No. 1976 on October 20, 2021. The District is expected to encompass 211 townhome residential units within 23.501 acres of land. The District is in the City of Pembroke Pines (the “City”), in Broward County, Florida (the “County”), and is located east of SW 172 Avenue, south of Pines Boulevard (Hollywood Boulevard), west of SW 168 Avenue and north of Pembroke Road. Refer to Exhibits 1 and 2 for the location and boundary of the CDD.

The District will partially finance the public infrastructure improvements that support the Merrick Square residential development (the “Development”) including, offsite improvements on SW 172 Avenue and Pines Boulevard (the “Offsite Roads”); portions of the roads that extend from SW 172 Avenue and Pines Boulevard to the hard gates of the Development (the “Entrance Roads”); the stormwater and drainage facilities onsite and offsite; wetland mitigation fees; and the water and sewer systems. Together, these improvements are referred hereinafter as the “Public Infrastructure.”

The developer of the Development will be D.R. Horton, Inc. (the “Developer”). The District land is in the process of being platted. The Development received final plat approval from the Broward County Board of Commissioners on August 24, 2021, under the name of Merrick Square. The final plat is expected to be recorded in the first quarter of 2022. The platted land will be composed of several parcels and residential blocks as shown in Table 1 below. The table shows the use, acreage, intended ownership, and easements to be granted to the CDD, the South Broward Drainage District (“SBCDD”), the City and County. The easements will be necessary for the proper ownership, accessibility, and maintenance of the Public Infrastructure. Refer to Exhibits 3 and 4 for the location of the parcels and residential blocks.

| <b>Table 1</b>  |                                  |                |                       |                                       |                                       |                        |
|---|----------------------------------|----------------|-----------------------|---------------------------------------|---------------------------------------|------------------------|
| <b>Development Site Breakdown -- Use, Area, Ownership and Easements to be Granted</b>                           |                                  |                |                       |                                       |                                       |                        |
| <b>Merrick Square Plat Parcel ID.</b>   | <b>Use</b>                       | <b>Acreage</b> | <b>Intended Owner</b> | <b>Drainage &amp; Access Easement</b> | <b>Drainage &amp; Access Easement</b> | <b>Access Easement</b> |
| A   | Private Road                     | 5.130          | Lot Owners            | CDD                                   | SBCDD                                 | City/County            |
| B   | Open Area                        | 2.187          | Lot Owners            | CDD                                   | SBCDD                                 |                        |
| C   | Open Area                        | 1.369          | Lot Owners            | CDD                                   | SBCDD                                 |                        |
| D   | Open Area                        | 2.143          | Lot Owners            | CDD                                   | SBCDD                                 |                        |
| E   | Drainage, Flowage & Storage Area | 1.729          | SBDD                  | CDD                                   |                                       |                        |
| Blocks 1 - 21   | Residential Lots*                | 10.943         | Lot Owners            | CDD                                   | SBCDD                                 |                        |
|   | Total Acres                      | 23.501         |                       |                                       |                                       |                        |
| Abbreviations and Footnotes   |                                  |                |                       |                                       |                                       |                        |
| CDD: Community Development District   |                                  |                |                       |                                       |                                       |                        |
| SBCDD: South Broward Drainage District  |                                  |                |                       |                                       |                                       |                        |
| * Some Residential Lots have Private Easements within their boundaries as shown in the Civil Engineering Plans. |                                  |                |                       |                                       |                                       |                        |



The residential blocks within the District and the number of Townhome lots are shown in Table 2.

| <b>Table 2</b>                          |                                 |
|---|---------------------------------|
| <b>Townhomes Residential Unit Count</b> |                                 |
| <b>Merrick Square Plat Block No.</b>    | <b>Number of Lots Per Block</b> |
| 1                                       | 14                              |
| 2                                       | 7                               |
| 3                                       | 7                               |
| 4                                       | 7                               |
| 5                                       | 4                               |
| 6                                       | 4                               |
| 7                                       | 23                              |
| 8                                       | 28                              |
| 9                                       | 7                               |
| 10                                      | 4                               |
| 11                                      | 11                              |
| 12                                      | 11                              |
| 13                                      | 12                              |
| 14                                      | 6                               |
| 15                                      | 9                               |
| 16                                      | 9                               |
| 17                                      | 7                               |
| 18                                      | 11                              |
| 19                                      | 7                               |
| 20                                      | 12                              |
| 21                                      | 11                              |
| <b>Totals</b>                           | <b>211</b>                      |

**II. Purpose of this Engineer’s Report.**

This Engineer’s Report was prepared for the purpose of describing the Public Infrastructure that supports the Development within the District and to report as to its estimated construction costs, status of permits, and schedule of construction. The Public Infrastructure is to be partially financed by the District and will specifically benefit the landowners and residents living within the CDD boundaries as well as the general public.

**III. Description of the Public Infrastructure.**

The Public Infrastructure, as described in this Report, consists of roadway, stormwater management, drainage, water, and sanitary sewer improvements that will give service and access to the 211 residential units located inside the District’s boundary. The proposed Public Infrastructure, as outlined herein, is necessary for the functional development of the District and provides a direct and special benefit to the assessable lands within.

a. Roadway Improvements.

i. Offsite Roads.

Pines Boulevard. The offsite road improvements on Pines Boulevard consist of the construction of a new 150-foot-long eastbound bus pull-out lane and shelter, as well as a bicycle lane along the Development frontage, and a 230-foot-long right turn lane to access the Development from the north. The bus pull-out will entail the construction of a 6-foot-wide concrete sidewalk, the construction of a 13-foot-wide swale, a 12-foot-wide pedestrian slab for the bus shelter and bench, the construction of type "F" curbs and gutters, widening of the existing road to create the 12-foot-wide bus pull-out and to mill and resurface a longitudinal portion of the existing road to make a 7-foot-wide bicycle lane. The right turn lane into the Development will entail a combination of widening, milling, and resurfacing the existing road to create the 11-foot-wide travel lane and the 7-foot-wide bicycle lane. The Pines Boulevard improvements will also include ancillary drainage.

SW 172 Avenue. The improvements to SW 172 Avenue consist of construction of northbound and southbound lanes to turn into the Development. The construction will entail modifications to the existing medians and side swales, construction of curbs and gutters, drainage, signage, and pavement markings.

ii. Entrance Roads.

The entrance roads extending from SW 172 Avenue on the west, and from Pines Boulevard on the north to the proposed hard gates, will be part of the Public Infrastructure to be financed by the CDD and consists of demolition, earthwork, pavement, concrete sidewalks, curbs, gutters, signs, pavement markings and storm drains.

The Developer intends to gate the Development's interior roads to limit access to the residents only, making those roads, in effect, private, and consequently, ineligible for CDD financing. The estimate of costs presented in this Report for the Public Infrastructure does not include the cost of constructing the interior roads behind the gates, except for the interior roadside curbs and gutters, which are considered part of the drainage system, and which costs are included in the stormwater management category of the Public Infrastructure.

The Developer intends to grant the District easements over the onsite road right of ways (Parcel A) in order to provide access to the curb and gutters and stormwater drainage facilities which the District will own and maintain.

b. Stormwater Management and Drainage Facilities.

The District will fund the construction of the drainage components of the Offsite Roads, the Entrance Roads, as well as the stormwater components of the onsite roads and the open areas within the Development. Although the roads beyond the hard gates are private roads, their drainage components, including the curbs and gutters, are included in the Public Infrastructure because they are part of the stormwater management plan that gives flood protection to the District and the surrounding lands.

The Stormwater Management and Drainage facilities consist of curbs, gutters, inlets, manholes, pipes, outfall, and the excavation, grading and finishing of the open parcels (Parcels B, C, and D), and the creation of a drainage, flowage, and storage area in Parcel E (the "Conservation Area").

The Developer intends to grant the District easements over the interior onsite road right of ways and the open areas and the Conservation Area (Parcels A, B, C, D and E) in order to provide access to the stormwater management and drainage facilities which the District will own and maintain.

c. Water Distribution and Sanitary Sewer Systems.

The cost of constructing the water and sewer systems is included in the Public Infrastructure. The systems extend from the point of connection with City facilities to the property lines of the residential lots.

The water system consists of 4,200 LF of pipes and fittings. The sanitary sewer facilities consist of a gravity collection system comprising manholes and pipes, a lift station, and a force main.

Upon completion, the CDD intends to convey the water and sewer facilities to the City for ownership, operation, and maintenance.

d. Easements to be Granted to the CDD and Others.

The Developer intends to grant the CDD, via plat dedication or instrument, at no cost to the CDD, easements for drainage and Entrance Road purposes over the tracts identified in Table 1 and over other private easements identified in the plat for Merrick Square and in the approved and permitted Paving, Grading and Drainage plans.

#### IV. Estimated Schedule of Construction of the Public Infrastructure.

| Table 3                                   |                           |                         |
|---|---------------------------|-------------------------|
| Work Description                          | Begin Date (Quarter/Year) | End Date (Quarter/Year) |
| Roadway Improvements                      | Q1/2022                   | Q3/2022                 |
| Stormwater Management System and Drainage | Q1/2022                   | Q3/2022                 |
| Water Distribution System                 | Q1/2022                   | Q2/2022                 |
| Sanitary Sewer System                     | Q1/2022                   | Q2/2022                 |
| Wetlands Mitigation                       | Q1/2022                   |                         |

#### V. Ownership and Maintenance.

The District will partially finance the acquisition and/or construction of the Public Infrastructure. It will then transfer the improvements to the following agencies for ownership and maintenance:

| Table 4                                   |                  |                    |
|---|------------------|--------------------|
| Description                               | Future Ownership | Future Maintenance |
| Roadway Improvements                      |                  |                    |
| -Pines Boulevard                          | FDOT             | FDOT               |
| -SW 172 Avenue                            | City             | City               |
| -Entrance Roads                           | CDD              | CDD                |
| Stormwater Management System and Drainage | CDD              | CDD                |

| <b>Description</b>                   | <b>Future Ownership</b> | <b>Future Maintenance</b> |
|--------------------------------------|-------------------------|---------------------------|
| (Including Onsite Curbs and Gutters) |                         |                           |
| Water Distribution System            | City                    | City                      |
| Sanitary Sewer System                | City                    | City                      |
| Conservation Area                    | SBCDD                   | CDD                       |

## VI. Permitting Status.

The table below reflects the permitting status of the Development as of the date of this Engineer's Report based on information provided by the Engineer of Record, AJ Hydro Engineering, Inc. and the Professional Surveyor and Mapper in charge of the Merrick Square plat, Pulice Land Surveyors, Inc.

| <b>Permit</b>   | <b>Agency</b> | <b>In Process</b> | <b>Approved</b> | <b>Date/Anticipated</b> |
|---|---------------|-------------------|-----------------|-------------------------|
| CDD Establishment (Ordinance # 1976)  | City          |                   | X               | 10-20-2021              |
| Merrick Square Final Plat   | County        |                   | X               | 8-24-2021               |
| Merrick Square Plat Recording   | County        | X                 |                 | First Quarter 2022      |
| Water Distribution Permit # 0125162-335-DSGP                                | FDEP          |                   | X               | 5-21-2021               |
| Driveway Connection Permit # 2020-A-491-00061                               | FDOT          |                   | X               | 11-16-2021              |
| Paving and Drainage Construction Permit # PD 202014                         | SBCDD         |                   | X               | 11-2-2021               |
| Individual Environmental Resource Permit # 06-1031712-P (App # 200319-3060) | SFWMD         |                   | X               | 10-8-2020               |
| Irrigation Water Use Permit # 06-08038-W (App # 200529-2)                   | SFWMD         |                   | X               | 6-2-2020                |
| Wastewater Collection System Permit # WW-62905                              | County        |                   | X               | 9-16-2021               |
| Wastewater Collection System Permit # PPI # 056087-176                      | FDEP          |                   | X               | 9-16-2021               |

## VII. Estimate of Public Infrastructure Costs.

|                              |                    |
|------------------------------|--------------------|
| Roadway Improvements         | \$860,000          |
| Stormwater Management System | \$1,009,000        |
| Water Distribution System    | \$693,000          |
| Sanitary Sewer System        | \$1,446,000        |
| Wetland Mitigation Fee       | \$58,000           |
| <b>Total</b>                 | <b>\$4,066,000</b> |

Details of the estimates of costs may be found in the Appendix of this Engineer's Report.

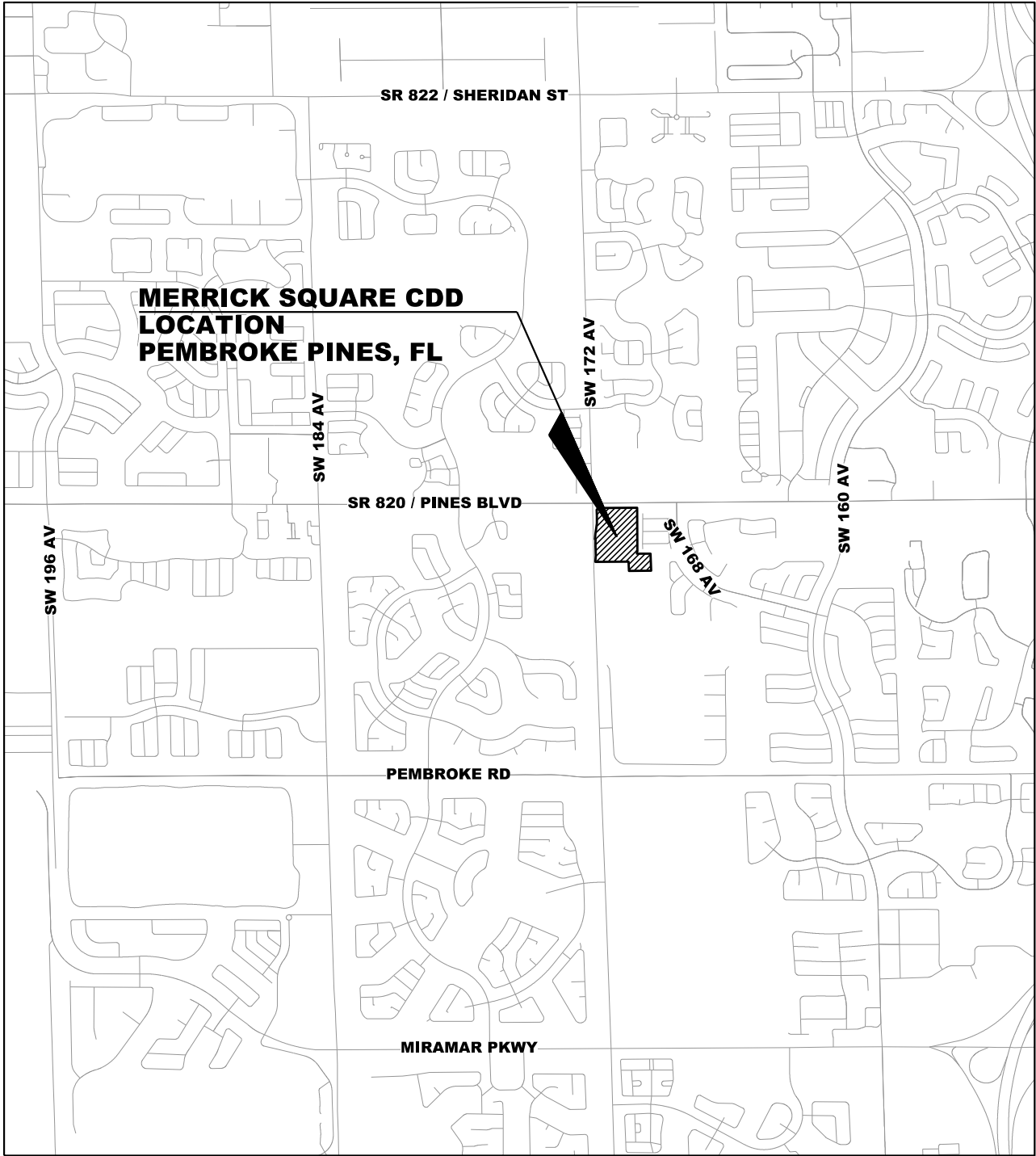
**VIII. Engineer's Certification.**

It is our opinion that the proposed improvements constituting the Public Infrastructure and their estimated costs are fair and reasonable, and that the residential lots within the Development will receive a special benefit equal to or greater than the cost of such improvements. We believe that the improvements can be permitted, constructed, and installed at the costs described in this report.

I hereby certify that the foregoing is a true and correct copy of the Engineer's Report for the Merrick Square Community Development District.

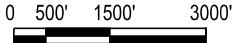
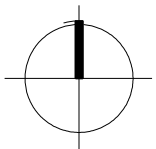
Juan R. Alvarez, PE  
Florida Registration No. 38522  
Alvarez Engineers, Inc.  
December 14, 2021

**APPENDIX**

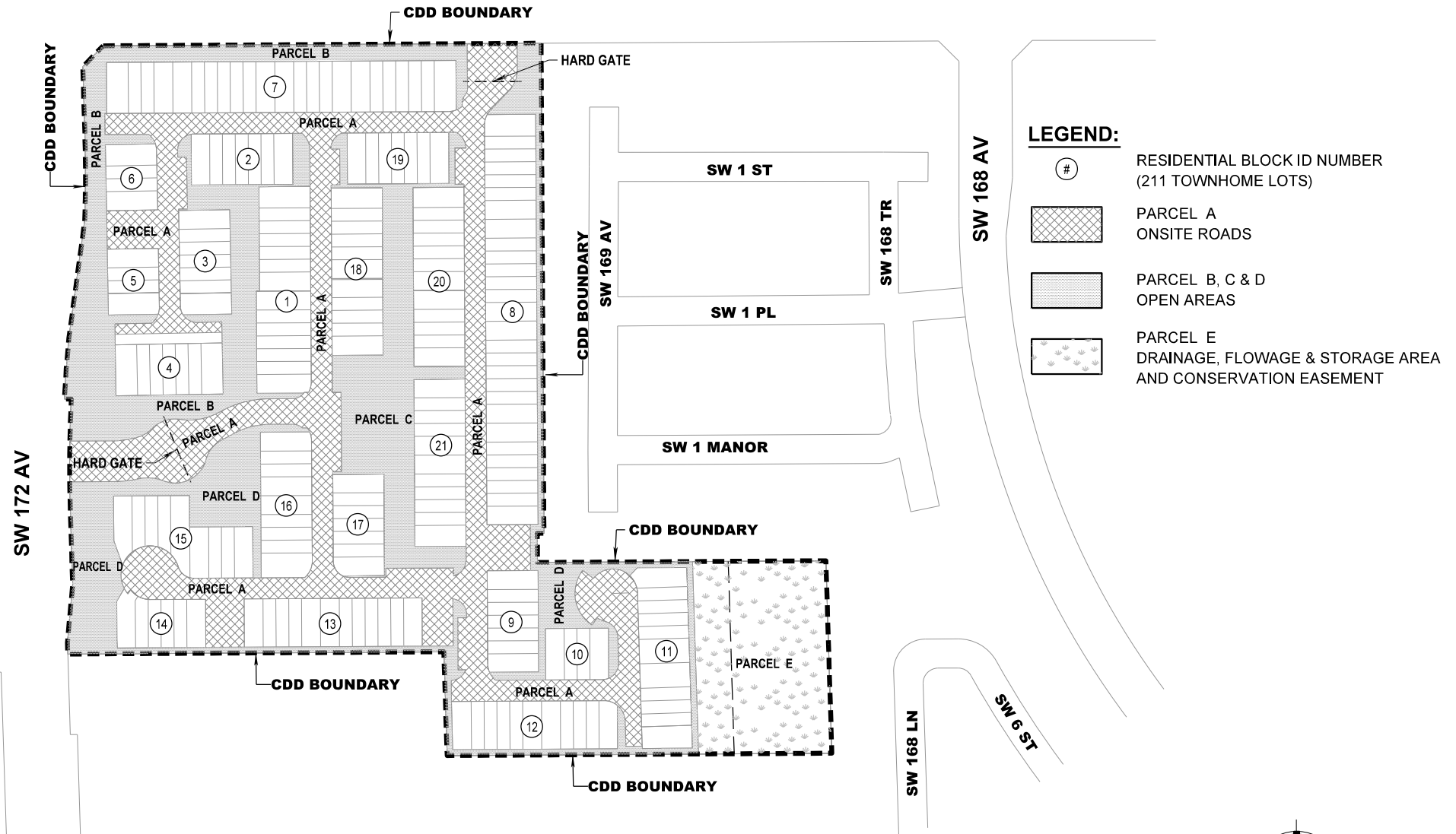


**ALVAREZ ENGINEERS, INC.**

**MERRICK SQUARE CDD  
LOCATION MAP**

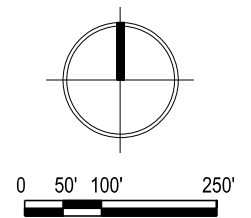


SR 820 / PINES BLVD



**ALVAREZ ENGINEERS, INC.**

**MERRICK SQUARE CDD  
CDD BOUNDARY AND PARCELS**





**ALVAREZ ENGINEERS, INC**

| <b>MERRICK SQUARE CDD - SUMMARY OF ESTIMATE OF PUBLIC INFRASTRUCTURE COSTS AND CONSTRUCTION SCHEDULE</b> |   |   |            |                |
|--|---|---|------------|----------------|
| <b>Description</b>   | <b>Estimated Costs<br/>(\$)<sup>(1)</sup></b> | <b>Estimated Construction Schedule<br/>(Quarter/Year)</b> |            |                |
| <b>Infrastructure Component</b>  |   | <b>Begin</b>  | <b>End</b> | <b>Remarks</b> |
| Roadway Improvements   | 860,000                                       | Q1/2022   | Q3/2022    |                |
| Stormwater Management System   | 1,009,000                                     | Q1/2022   | Q3/2022    |                |
| Water Distribution System  | 693,000                                       | Q1/2022   | Q2/2022    |                |
| Sanitary Sewer System  | 1,446,000                                     | Q1/2022   | Q2/2022    |                |
| Wetlands Mitigation  | 58,000  | Q1/2022   |            |                |
| <b>Total</b>   | <b>4,066,000</b>                              |   |            |                |

<sup>(1)</sup> Rounded up to \$1K

**ALVAREZ ENGINEERS, INC**

| DETAIL OF ESTIMATE OF CONSTRUCTION COSTS                             |                                    |          |      |                      |                |         |                      |                     |          |
|--|------------------------------------|----------|------|----------------------|----------------|---------|----------------------|---------------------|----------|
| Item No.   | Description                        | Quantity | Unit | Unit Price (\$/Unit) | Proportion (%) |         | Scheduled Value (\$) |                     |          |
|  |                                    |          |      |                      | CDD            | Non-CDD | Total                | CDD                 | Non-CDD  |
| <b>DEMOLITION: OFFSITE AND ENTRANCE ROADS</b>                        |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Asphalt Removal                    | 5,600    | SY   | 2.00                 | 100.00         | -       | 11,200.00            | 11,200.00           | -        |
| 2  | Building Demo (1-Story)            | 5,600    | SF   | 3.00                 | 100.00         | -       | 16,800.00            | 16,800.00           | -        |
| <b>Total Demolition Offsite and Entrance Road</b>                    |                                    |          |      |                      |                |         | <b>28,000.00</b>     | <b>28,000.00</b>    | <b>-</b> |
| <b>EARTHWORK: OFFSITE AND ENTRANCE ROADS</b>                         |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Clearing & Grubbing                | 2        | AC   | 5,000.00             | 100.00         | -       | 8,800.00             | 8,800.00            | -        |
| 2  | Silt Fence (No Maintenance)        | 500      | LF   | 3.00                 | 100.00         | -       | 1,500.00             | 1,500.00            | -        |
| 3  | Washed Rock Entrance               | 2        | EA   | 5,000.00             | 100.00         | -       | 10,000.00            | 10,000.00           | -        |
| 4  | Excavate & Stockpile (Hot Spot)    | 8,500    | CY   | 5.00                 | 100.00         | -       | 42,500.00            | 42,500.00           | -        |
| 5  | Import Fill (E-Fill)               | 12,750   | TN   | 13.00                | 100.00         | -       | 165,750.00           | 165,750.00          | -        |
| 6  | Miscellaneous Landscape Grading    | 38,300   | SF   | 0.25                 | 100.00         | -       | 9,575.00             | 9,575.00            | -        |
| <b>Total Earthwork Offsite and Entrance Roads</b>                    |                                    |          |      |                      |                |         | <b>238,125.00</b>    | <b>238,125.00</b>   | <b>-</b> |
| <b>PAVEMENT: OFFSITE AND ENTRANCE ROADS</b>                          |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | 12" Compacted Subgrade             | 8,500    | SY   | 1.50                 | 100.00         | -       | 12,750.00            | 12,750.00           | -        |
| 2  | 8" Rock Base                       | 8,500    | SY   | 10.00                | 100.00         | -       | 85,000.00            | 85,000.00           | -        |
| 3  | 3/4" Type S-III Asphalt (1st Lift) | 8,500    | SY   | 7.50                 | 100.00         | -       | 63,750.00            | 63,750.00           | -        |
| 4  | 3/4" Type S-III Asphalt (2nd Lift) | 8,500    | SY   | 7.50                 | 100.00         | -       | 63,750.00            | 63,750.00           | -        |
| 5  | MOT & Traffic Control              | 1        | LS   | 5,000.00             | 100.00         | -       | 5,000.00             | 5,000.00            | -        |
| <b>Total Pavement Offsite and Entrance Roads</b>                     |                                    |          |      |                      |                |         | <b>230,250.00</b>    | <b>230,250.00</b>   | <b>-</b> |
| <b>CONCRETE: OFFSITE AND ENTRANCE ROADS</b>                          |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | 4" Sidewalk                        | 2,200    | SY   | 35.00                | 100.00         | -       | 77,000.00            | 77,000.00           | -        |
| 2  | 2' Type "F" Curb & Gutter          | 1,600    | LF   | 20.00                | 100.00         | -       | 32,000.00            | 32,000.00           | -        |
| 3  | 6" x 12" Type "D" Curb             | 1,600    | LF   | 15.00                | 100.00         | -       | 24,000.00            | 24,000.00           | -        |
| 4  | Valley Gutter (For Drainage)       | 9,000    | LF   | 15.00                | 100.00         | -       | 135,000.00           | 135,000.00          | -        |
| <b>Total Concrete Offsite and Entrance Roads</b>                     |                                    |          |      |                      |                |         | <b>268,000.00</b>    | <b>268,000.00</b>   | <b>-</b> |
| <b>SIGNS &amp; MARKINGS: OFFSITE AND ENTRANCE ROADS</b>              |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Sign & Marking                     | 8,500    | SY   | 2.00                 | 100.00         | -       | 17,000.00            | 17,000.00           | -        |
| <b>Total Signs &amp; Markings Offsite and Entrance Roads</b>         |                                    |          |      |                      |                |         | <b>17,000.00</b>     | <b>17,000.00</b>    | <b>-</b> |
| <b>STORM DRAIN: OFFSITE AND ONSITE</b>                               |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Solid Pipe                         | 8,820    | LF   | 58.00                | 100.00         | -       | 511,560.00           | 511,560.00          | -        |
| 2  | Catch Basin                        | 95       | EA   | 3,700.00             | 100.00         | -       | 351,500.00           | 351,500.00          | -        |
| 3  | Manholes                           | 12       | EA   | 4,500.00             | 100.00         | -       | 54,000.00            | 54,000.00           | -        |
| <b>Total Storm Drain Offsite and Onsite</b>                          |                                    |          |      |                      |                |         | <b>917,060.00</b>    | <b>917,060.00</b>   | <b>-</b> |
| <b>WATER: OFFSITE AND ONSITE</b>                                     |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | 8" C900 With Fittings              | 4,200    | LF   | 150.00               | 100.00         | -       | 630,000.00           | 630,000.00          | -        |
| <b>Sub-total Water Offsite and Onsite</b>                            |                                    |          |      |                      |                |         | <b>630,000.00</b>    | <b>630,000.00</b>   | <b>-</b> |
| <b>SAN. SEWER: OFFSITE AND ONSITE</b>                                |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Gravity Sewer                      | 3,925    | LF   | 150.00               | 100.00         | -       | 588,750.00           | 588,750.00          | -        |
| 2  | Lift Station & FM                  | 1        | LS   | 675,000.00           | 100.00         | -       | 675,000.00           | 675,000.00          | -        |
| 3  | Force Main                         | 1        | LS   | 50,000.00            | 100.00         | -       | 50,000.00            | 50,000.00           | -        |
| <b>Sub-total Sanitary Sewer Offsite and Onsite</b>                   |                                    |          |      |                      |                |         | <b>1,313,750.00</b>  | <b>1,313,750.00</b> | <b>-</b> |
| <b>HARD COSTS (All Categories)</b>                                   |                                    |          |      |                      |                |         | <b>3,642,185.00</b>  | <b>3,642,185.00</b> | <b>-</b> |
| 1  | Roadway Improvements               |          |      |                      |                |         | 781,375.00           | 781,375.00          | -        |
| 2  | Stormwater Management & Drainage   |          |      |                      |                |         | 917,060.00           | 917,060.00          | -        |
| 3  | Water Distribution System          |          |      |                      |                |         | 630,000.00           | 630,000.00          | -        |
| 4  | Sanitary Collection System         |          |      |                      |                |         | 1,313,750.00         | 1,313,750.00        | -        |
| <b>Total Hard Costs Per Category (Roads, Drainage, Water, Sewer)</b> |                                    |          |      |                      |                |         | <b>3,642,185.00</b>  | <b>3,642,185.00</b> | <b>-</b> |

**ALVAREZ ENGINEERS, INC**

| DETAIL OF ESTIMATE OF CONSTRUCTION COSTS   |                                    |          |      |                      |                |         |                      |                     |          |
|--|------------------------------------|----------|------|----------------------|----------------|---------|----------------------|---------------------|----------|
| Item No.   | Description                        | Quantity | Unit | Unit Price (\$/Unit) | Proportion (%) |         | Scheduled Value (\$) |                     |          |
|  |                                    |          |      |                      | CDD            | Non-CDD | Total                | CDD                 | Non-CDD  |
| <b>SOFT COSTS AND CONTINGENCY (Estimate 10%)</b>                                 |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Roadway Improvements               | 10       | %    | 781,375.00           | 781,375.00     | -       | 78,137.50            | 78,137.50           | -        |
| 2  | Stormwater Management and Drainage | 10       | %    | 917,060.00           | 917,060.00     | -       | 91,706.00            | 91,706.00           | -        |
| 3  | Water Distribution System          | 10       | %    | 630,000.00           | 630,000.00     | -       | 63,000.00            | 63,000.00           | -        |
| 4  | Sanitary Collection System         | 10       | %    | 1,313,750.00         | 1,313,750.00   | -       | 131,375.00           | 131,375.00          | -        |
| <b>Total Soft Cost &amp; Contingency</b>   |                                    |          |      |                      |                |         | <b>364,218.50</b>    | <b>364,218.50</b>   | <b>-</b> |
| <b>ESTIMATED WETLAND MITIGATION FEES</b>   |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Wetland Mitigation Fees            | 1        | LS   | 58,000.00            | 100.00         | -       | 58,000.00            | 58,000.00           | -        |
| <b>Total Wetland Mitigation Fees</b>   |                                    |          |      |                      |                |         | <b>58,000.00</b>     | <b>58,000.00</b>    | <b>-</b> |
| <b>GRAND TOTAL COSTS (Hard, Soft, Contingencies and Wetland Mitigation Fees)</b> |                                    |          |      |                      |                |         |                      |                     |          |
| 1  | Roadway Improvements               |          |      |                      |                |         | 859,512.50           | 859,512.50          | -        |
| 2  | Stormwater Management and Drainage |          |      |                      |                |         | 1,008,766.00         | 1,008,766.00        | -        |
| 3  | Water Distribution System          |          |      |                      |                |         | 693,000.00           | 693,000.00          | -        |
| 4  | Sanitary Collection System         |          |      |                      |                |         | 1,445,125.00         | 1,445,125.00        | -        |
| 5  | Wetland Mitigation Fees            |          |      |                      |                |         | 58,000.00            | 58,000.00           | -        |
| <b>Grand Total Costs</b>   |                                    |          |      |                      |                |         | <b>4,064,403.50</b>  | <b>4,064,403.50</b> | <b>-</b> |

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **6D**

# MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT

## Master Special Assessment Methodology Report

December 14, 2021



Provided by:

**Wrathell, Hunt and Associates, LLC**

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: [www.whhassociates.com](http://www.whhassociates.com)

## Table of Contents

|            |  |    |
|------------|--|----|
| <b>1.0</b> | <b>Introduction</b>  |    |
| 1.1        | Purpose .....  | 1  |
| 1.2        | Scope of the Report .....  | 1  |
| 1.3        | Special Benefits and General Benefits .....                                  | 1  |
| 1.4        | Organization of the Report .....   | 2  |
| <b>2.0</b> | <b>Development Program</b>   |    |
| 2.1        | Overview .....   | 2  |
| 2.2        | The Development Program .....  | 2  |
| <b>3.0</b> | <b>The Capital Improvement Plan</b>  |    |
| 3.1        | Overview .....   | 3  |
| 3.2        | Capital Improvement Plan .....   | 3  |
| <b>4.0</b> | <b>Financing Program</b>   |    |
| 4.1        | Overview .....   | 3  |
| 4.2        | Types of Bonds Proposed .....  | 4  |
| <b>5.0</b> | <b>Assessment Methodology</b>  |    |
| 5.1        | Overview .....   | 5  |
| 5.2        | Benefit Allocation .....   | 5  |
| 5.3        | Assigning Debt .....   | 7  |
| 5.4        | Lienability Test: Special and Peculiar Benefit to the Property .....         | 7  |
| 5.5        | Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay ..... | 8  |
| 5.6        | True-Up Mechanism .....  | 8  |
| 5.7        | Assessment Roll .....  | 9  |
| <b>6.0</b> | <b>Additional Stipulations</b>   |    |
| 6.1        | Overview .....   | 10 |
| <b>7.0</b> | <b>Appendix</b>  |    |
|            | Table 1 .....  | 10 |
|            | Table 2 .....  | 11 |
|            | Table 3 .....  | 11 |
|            | Table 4 .....  | 12 |
|            | Table 5 .....  | 12 |

## **1.0 Introduction**

### **1.1 Purpose**

This Master Special Assessment Methodology Report (the "Report") was developed to provide a master financing plan and a master special assessment methodology for the Merrick Square Community Development District (the "District"), located in the City of Pembroke Pines, Broward County, Florida, as related to funding the costs of public infrastructure improvements (the "Capital Improvement Plan") contemplated to be provided by the District.

### **1.2 Scope of the Report**

This Report presents the projections for financing the District's Capital Improvement Plan described in the Engineer's Report developed by Alvarez Engineers, Inc. (the "District Engineer") dated December 14, 2021 (the "Engineer's Report"), as well as describes the method for the allocation of special benefits and the apportionment of special assessment debt resulting from the provision and funding of the Capital Improvement Plan.

### **1.3 Special Benefits and General Benefits**

Improvements undertaken and funded by the District as part of the Capital Improvement Plan create special and peculiar benefits, different in kind and degree than general benefits, for properties within its borders as well as general benefits to the public at large. However, as discussed within this Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within the District. The District's Capital Improvement Plan enables properties within its boundaries to be developed.

There is no doubt that the general public and property owners of property outside the District will benefit from the provision of the Capital Improvement Plan. However, these benefits are only incidental since the Capital Improvement Plan is designed solely to provide special benefits peculiar to property within the District. Properties outside the District are not directly served by the Capital Improvement Plan and do not depend upon the Capital Improvement Plan to obtain or to maintain their development entitlements. This fact alone clearly distinguishes the special benefits which District properties receive compared to those lying outside of the District's boundaries.

The Capital Improvement Plan will provide public infrastructure improvements which are all necessary in order to make the lands within the District developable and saleable. The installation of such improvements will cause the value of the developable and saleable lands within the District to increase by more than the sum of the financed cost of the individual components of the Capital Improvement Plan. Even though the exact value of the benefits provided by the Capital Improvement Plan is hard to estimate at this point, it is nevertheless greater than the costs associated with providing the same.

#### **1.4 Organization of the Report**

*Section Two* describes the development program as proposed by the Developer, as defined below.

*Section Three* provides a summary of the Capital Improvement Plan as determined by the District Engineer.

*Section Four* discusses the financing program for the District.

*Section Five* introduces the special assessment methodology for the District.

### **2.0 Development Program**

#### **2.1 Overview**

The District will serve the Merrick Square development (“Merrick Square” or “Development”), a master-planned residential townhome development located within the City of Pembroke Pines, Broward County, Florida. The land within the District encompasses approximately 23.501 +/- acres and is generally located east of SW 172 Avenue, south of Pines Boulevard (Hollywood Boulevard), west of SW 168 Avenue and north of Pembroke Road.

#### **2.2 The Development Program**

The development of the land within the District is anticipated to be conducted by D.R. Horton, Inc. (the "Developer"). Based upon the information provided by the Developer, the current development plan envisions a total of 211 townhome residential dwelling units, although land use types and unit numbers may change throughout the development period. Table 1 in the *Appendix* illustrates the development plan for the land within the District.



### **3.0 The Capital Improvement Plan**

#### **3.1 Overview**

The public infrastructure costs to be funded by the District are described by the District Engineer in the Engineer's Report. Only public infrastructure that may qualify for bond financing by the District under Chapter 190, Florida Statutes and under the Internal Revenue Code of 1986, as amended, was included in these estimates.

#### **3.2 Capital Improvement Plan**

The Capital Improvement Plan needed to serve the Development is projected to consist of improvements which will serve all of the lands in the District. The Capital Improvement Plan will consist of roadways, storm water management, water distribution, and sanitary sewer collection. At the time of this writing, the total cost of the Capital Improvement Plan is estimated to total approximately \$4,066,000.

The infrastructure improvements that comprise the Capital Improvement Plan will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of the improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

Table 2 in the *Appendix* illustrates the specific components of the Capital Improvement Plan.

### **4.0 Financing Program**

#### **4.1 Overview**

As noted above, the District is embarking on a program of capital improvements which will facilitate the development of lands within the District. Generally, construction of public improvements is either funded by the Developer and then acquired by the District or funded directly by the District. As of the time of writing of this Report, the District will most likely acquire completed improvements from the Developer, although the District maintains the complete flexibility to either acquire the public infrastructure from the Developer or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include multiple series of bonds, it is likely that in order to fully fund costs of the Capital Improvement Plan as described in *Section 3.2* in one financing transaction, the District would have to issue approximately \$5,300,000 in par amount of special assessment bonds (the "Bonds").

**Please note that the purpose of this Report is to allocate the benefit of the Capital Improvement Plan to the various land uses in the District and based on such benefit allocation to apportion the maximum debt necessary to fund the Capital Improvement Plan. The discussion of the structure and size of the indebtedness is based on various estimates and is subject to change.**

#### **4.2 Types of Bonds Proposed**

The proposed financing plan for the District provides for the issuance of the Bonds in the approximate principal amount of \$5,300,000 to finance approximately \$4,066,000 in Capital Improvement Plan costs. The Bonds as projected under this financing plan would be structured to be amortized in 30 annual installments following a 24-month capitalized interest period. Interest payments on the Bonds would be made every May 1 and November 1, and principal payments on the Bonds would be made either on May 1 or on November 1.

In order to finance the improvement and other costs, the District would need to borrow more funds and incur indebtedness in the total amount of approximately \$5,300,000. The difference is comprised of debt service reserve, capitalized interest, underwriter's discount and costs of issuance. Preliminary sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

**Please note that the structure of the Bonds as presented in this Report is preliminary and may change due to changes in the development program, market conditions, timing of infrastructure installation as well as for other reasons. The District maintains complete flexibility as to the structure of the Bonds and reserves the right to modify it as necessary.**

## **5.0 Assessment Methodology**

### **5.1 Overview**

The issuance of the Bonds provides the District with funds necessary to construct/acquire the infrastructure improvements which are part of the Capital Improvement Plan outlined in *Section 3.2* and described in more detail by the District Engineer in the Engineer's Report. These improvements lead to special and general benefits, with special benefits accruing to the assessable properties within the boundaries of the District and general benefits accruing to areas outside the District but being only incidental in nature. The debt incurred in financing the public infrastructure will be secured by assessing properties that derive special and peculiar benefits from the Capital Improvement Plan. All properties that receive special benefits from the Capital Improvement Plan will be assessed for their fair share of the debt issued in order to finance all or a portion of the Capital Improvement Plan.

### **5.2 Benefit Allocation**

The most current development plan envisions the development of 211 townhome residential dwelling units, although unit numbers and land use types may change throughout the development period.

The infrastructure improvements that comprise the Capital Improvement Plan will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of the improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

By allowing for the land in the District to be developable, both the improvements that comprise the Capital Improvement Plan and their combined benefit will be greater than the sum of their individual benefits. All of the land uses within the District will benefit from each infrastructure improvement category, as the improvements provide basic infrastructure to all land within the District and benefit all land within the District as an integrated system of improvements.

As stated previously, the public infrastructure improvements included in the Capital Improvement Plan have a logical connection to the special and peculiar benefits received by the land within the District, as without such improvements, the development of the properties within the District would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to

the land within the District, the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem assessments, to the land receiving such special and peculiar benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is more valuable than the cost of, or the actual non-ad valorem assessment amount levied on that parcel.

As according to the Developer, all TH units proposed to be developed within the District will be substantially similar, it is therefore reasonable that the benefit associated with the Capital Improvement Plan of the District can be proposed to be allocated uniformly to all TH units within the District. Consequently, in recognition of the substantially uniform density of development and substantially uniform intensity of use of the public infrastructure by all TH units, all TH units are proposed to be assigned the same unitary standard measure called an Equivalent Residential Unit ("ERU") of 1. Table 4 in the *Appendix* illustrates the uniform ERU weight assignment to all TH units and the total ERU count.

The rationale behind the uniform ERU weight is supported by the fact that generally and on average all TH units will use and benefit from the District's improvements substantially to the same degree, as for instance, generally and on average all TH units will produce substantially similar amounts of storm water runoff, require substantially similar water and sewer flow capacity and generate substantially similar number of vehicular trips. Additionally, generally and on average the value of all TH units is likely to appreciate substantially the same in terms of dollars as a result of the implementation of the Capital Improvement Plan. As the exact amount of the benefit and appreciation is not possible to be calculated at this time, the use unitary ERU measure for all TH units serves as a reasonable approximation of the relative amount of benefit received by tall TH units from the District's improvements.

Table 5 in the *Appendix* presents the apportionment of the assessment associated with funding the District's Capital Improvement Plan (the "Bond Assessment") in accordance with the ERU benefit allocation method presented in Table 4. Table 5 also presents the annual level of the projected Bond Assessments per unit.

### **5.3 Assigning Debt**

The Bond Assessment associated with repayment of the Bonds will initially be levied on all of the gross acres of land in the District. Consequently, the Bond Assessment will be levied on approximately 23.501 +/- gross acres on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$5,300,000 will be preliminarily levied on approximately 23.501 +/- gross acres at a rate of \$225,522.32 per acre.

As the land is platted, the Bond Assessment will be allocated to each platted parcel on a first platted-first assigned basis based on the planned use for that platted parcel as reflected in Table 5 in the *Appendix*. Such allocation of Bond Assessments to platted parcels will reduce the amount of Bond Assessment levied on unplatted gross acres within the District.

Further, to the extent that any residential land which has not been platted is sold to another developer or builder, the Bond Assessment will be assigned to such parcel at the time of the sale based upon the development rights associated with such parcel that are transferred from seller to buyer. The District shall provide an estoppel or similar document to the buyer evidencing the amount of Bond Assessment transferred at sale.

### **5.4 Lienability Test: Special and Peculiar Benefit to the Property**

As first discussed in *Section 1.3*, Special Benefits and General Benefits, improvements undertaken by the District create special and peculiar benefits to certain properties within the District. The District's improvements benefit assessable properties within the District and accrue to all such assessable properties on an ERU basis.

Improvements undertaken by the District can be shown to be creating special and peculiar benefits to the property within the District. The special and peculiar benefits resulting from each improvement include, but are not limited to:

- a. added use of the property;
- b. added enjoyment of the property;
- c. decreased insurance premiums;
- d. increased marketability and value of the property.

The improvements which are part of the Capital Improvement Plan make the land in the District developable and saleable and when implemented jointly as part of the Capital Improvement Plan, provide

special and peculiar benefits which are greater than the benefits of any single category of improvements. These special and peculiar benefits are real and ascertainable, but not yet capable of being calculated and assessed in terms of numerical value; however, such benefits are more valuable than either the cost of, or the actual assessment levied for, the improvement or debt allocated to the parcel of land.

### **5.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay**

A reasonable estimate of the proportion of special and peculiar benefits received from the improvements is delineated in Table 4 (expressed as ERU factors) in the *Appendix*.

The apportionment of the Bond Assessments is fair and reasonable because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the District according to reasonable estimates of the special and peculiar benefits derived from the Capital Improvement Plan by different unit types.

### **5.6 True-Up Mechanism**

The assessment methodology described herein is based on conceptual information obtained from the Developer prior to construction. As development occurs it is possible that the number of ERUs may change. The mechanism for maintaining the methodology over the changes is referred to as true-up.

This mechanism is to be utilized to ensure that the Bond Assessment on a per ERU basis never exceeds the initially allocated Bond Assessment as contemplated in the adopted assessment methodology. The Bond Assessment per ERU preliminarily equals \$25,118.48 (\$5,300,000 in Bond Assessment divided by 211 ERUs) and may change based on the final bond sizing. If such changes occur, the Methodology is applied to the land based on the number of and unit type within each and every parcel as signified by the number of ERUs.

As the land is platted, the Bond Assessment is assigned to platted parcels based on the figures in Table 5 in the *Appendix*. If as a result of platting and apportionment of the Bond Assessment to the platted parcel of land, the Bond Assessment per ERU for land that remains unplatted within the District remains equal to \$25,118.48, then no true-up adjustment will be necessary.

If as a result of platting and apportionment of the Bond Assessment to the platted land, the Bond Assessment per ERU for land that remains unplatted within the District equals less than \$25,118.48 (either as a result of a larger number of units, different units or both), then the per ERU Bond Assessment for all parcels within the District will be lowered if that state persists at the conclusion of platting of all land within the District.

If, in contrast, a result of platting and apportionment of the Bond Assessment to the platted land, the Bond Assessment per ERU for land that remains unplatted within the District equals more than \$25,118.48 (either as a result of a smaller number of units, different units or both), then the difference in Bond Assessment plus accrued interest will be collected from the owner of the property which platting caused the increase of Bond Assessment per ERU to occur, in accordance with a true-up agreement to be entered into between the District and the Developer, which will be binding on assignees.

The owner(s) of the property will be required to immediately remit to the Trustee for redemption a true-up payment equal to the difference between the actual Bond Assessment per ERU and \$25,118.48 multiplied by the actual number of ERUs plus accrued interest to the next succeeding interest payment date on the Bonds, unless such interest payment date occurs within 45 days of such true-up payment, in which case the accrued interest shall be paid to the following interest payment date.

In addition to platting of property within the District, any planned sale of unplatted land to another builder or developer will cause the District to initiate a true-up test as described above to test whether the amount of the Bond Assessment per ERU for land that remains unplatted remains equal to \$25,118.48. The test will be based upon the development rights as signified by the number of ERUs associated with such parcel that are transferred from seller to buyer. The District shall provide an estoppel or similar document to the buyer evidencing the amount of Bond Assessment transferred at sale.

## **5.7 Assessment Roll**

The Bond Assessment of \$5,300,000 is proposed to be levied over the area described in Exhibit "A". Excluding any capitalized interest period, debt service assessments shall be paid in thirty (30) annual principal installments.

## 6.0 Additional Stipulations

### 6.1 Overview

Wrathell, Hunt and Associates, LLC was retained by the District to prepare a methodology to fairly allocate the special assessments related to the District's Capital Improvement Plan. Certain financing, development and engineering data was provided by members of District Staff and/or the Developer. The allocation methodology described herein was based on information provided by those professionals. Wrathell, Hunt and Associates, LLC makes no representations regarding said information transactions beyond restatement of the factual information necessary for compilation of this report. For additional information on the Bond structure and related items, please refer to the Offering Statement associated with this transaction.

**Wrathell, Hunt and Associates, LLC does not represent the District as a Municipal Advisor or Securities Broker nor is Wrathell, Hunt and Associates, LLC registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, Wrathell, Hunt and Associates, LLC does not provide the District with financial advisory services or offer investment advice in any form.**

## 7.0 Appendix

Table 1

# Merrick Square

## Community Development District

### Development Plan

| Unit Type    | Total Number of Units |
|--------------|-----------------------|
| TH           | 211                   |
| <b>Total</b> | <b>211</b>            |



Table 2

# Merrick Square

## Community Development District

### Capital Improvement Program

| Improvement               | Total Costs           |
|---------------------------|-----------------------|
| Roadways                  | \$860,000.00          |
| Storm Water Management    | \$1,009,000.00        |
| Water Distribution        | \$693,000.00          |
| Sanitary Sewer Collection | \$1,446,000.00        |
| Wetland Mitigation        | \$58,000.00           |
| <b>Total</b>              | <b>\$4,066,000.00</b> |

Table 3

# Merrick Square

## Community Development District

### Preliminary Sources and Uses of Funds

#### Sources

|                      |                       |
|----------------------|-----------------------|
| Bond Proceeds:       |                       |
| Par Amount           | \$5,300,000.00        |
| <b>Total Sources</b> | <b>\$5,300,000.00</b> |

#### Uses

|                           |                       |
|---------------------------|-----------------------|
| Project Fund Deposits:    |                       |
| Project Fund              | \$4,066,000.00        |
| Other Fund Deposits:      |                       |
| Debt Service Reserve Fund | \$344,772.61          |
| Capitalized Interest Fund | \$530,000.00          |
| Delivery Date Expenses:   |                       |
| Costs of Issuance         | \$356,000.00          |
| Rounding                  | \$3,227.39            |
| <b>Total Uses</b>         | <b>\$5,300,000.00</b> |

Table 4

# Merrick Square

## Community Development District

### Benefit Allocation

| Unit Type    | Number of Units | ERU per Unit | Total ERU     |
|--------------|-----------------|--------------|---------------|
| TH           | 211             | 1.00         | 211.00        |
| <b>Total</b> | <b>211</b>      |              | <b>211.00</b> |

Table 5

# Merrick Square

## Community Development District

### Assessment Apportionment

| Unit Type    | Total Number of Units | Total Cost Allocation* | Total Bond Assessment Apportionment | Bond Assessment Apportionment per Unit | Annual Bond Assessment Debt Service per Unit - paid in March** |
|--------------|-----------------------|------------------------|-------------------------------------|--|--|
| TH           | 211                   | \$4,066,000.00         | \$5,300,000.00                      | \$25,118.48                            | \$1,738.29   |
| <b>Total</b> | <b>211</b>            | <b>\$4,066,000.00</b>  | <b>\$5,300,000.00</b>               |  |  |

\* Includes costs of collection estimated at 2% and assumes payment in March

## Exhibit "A"

The Bond Assessment in the amount of \$5,300,000 will be levied on an equal pro-rata gross acre basis on the land described below:

| Parcel ID       | Owner             | Address       | City State ZIP          | Bond Assessment |
|-----------------|-------------------|---------------|-------------------------|-----------------|
| 5140 17 02 0050 | D.R. Horton, Inc. | 6123 Lyons RD | Coconut Creek, FL 33073 | \$5,300,000.00  |

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**6 E**

## RESOLUTION 2022-30

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT PROJECTS FOR CONSTRUCTION AND/OR ACQUISITION OF INFRASTRUCTURE IMPROVEMENTS; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITTED BY SUCH PROJECTS TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170 AND 190, FLORIDA STATUTES; PROVIDING FOR TRUE-UP PAYMENTS; MAKING PROVISIONS RELATING TO THE TRANSFER OF REAL PROPERTY TO GOVERNMENTAL BODIES; PROVIDING FOR THE RECORDING OF AN ASSESSMENT NOTICE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors (the "Board") of the Merrick Square Community Development District (the "District") previously adopted Resolution 2022-25, (the "Assessment Resolution"), in which the Board determined to construct and/or acquire certain public improvements (the "Improvements") described in the Engineer's Report prepared by *Alvarez Engineers, Inc.*, dated December 14, 2021 (the "Engineer's Report"); and

**WHEREAS**, the Board previously determined in the Assessment Resolution that it is in the best interest of the District to pay for all or a portion of the Improvements by imposing, levying, and collection special assessments pursuant to Chapter 170 and 190, Florida Statutes ("Assessments"); and

**WHEREAS**, the Board previously determined in the Assessment Resolution that benefits will accrue to the property improved, the amount of those benefits, and that special assessments will be made in proportion to the benefits received as set forth in the District's Master Assessment Special Methodology Report, prepared by Wrathell, Hunt and Associates, LLC dated December 14, 2021 (the "Master Assessment Report"); and

**WHEREAS**, the Board has noticed and conducted a public hearing pursuant to Chapters 170 and 190, Florida Statutes, relating to the imposition, levy, collection and enforcement of the Assessments; and

**WHEREAS**, the Board has taken, or will take, actions necessary to notice and conduct a public hearing pursuant to Section 197.3632, Florida Statutes, for the collection and enforcement of the Assessments; and

**WHEREAS**, the District desires to set forth the particular terms and confirm the lien of the levy of the Assessments to pay for the specified project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:**

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to Chapters 170 and 190, Florida Statutes, including without limitation, Section 170.08, Florida Statutes.

**SECTION 2. FINDINGS.** The Board hereby finds and determines as follows:

(a) The District is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, Florida Statutes, as amended.

(b) The District is authorized by Chapter 190, Florida Statutes, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct roadway improvements, stormwater management systems, water distribution systems, wastewater collection and transmission systems, wetlands mitigation, streetscape, landscape, and open space improvements, and other public infrastructure projects, and services necessitated by the development of, and serving lands within, the District (the "Project").

(c) The District is authorized by Chapter 190, Florida Statutes, to levy and impose special assessments, including the Assessments, to pay all, or any part of, the cost of such public infrastructure projects and services, as provided in Chapters 170 and 190, Florida Statutes.

(d) It is necessary to the public health, safety and welfare and in the best interest of the District that (i) the District provide the Project, the nature and location of which is described in Resolution 2022-25 and is shown in the Engineer's Report, a copy of which, along with the plans and specifications, is on file at the offices of the District Manager, Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (the District Manager's Office") and at \_\_\_\_\_ (the "Local Records Office") and (ii) the cost of such Project be assessed against the lands specially benefitted by such Project.

(e) The provision of the Project and the levying of the Assessments, serves a proper, essential, and valid public purpose and is in the best interest of the District, its landowners and residents.

(f) By Resolution 2022-25 the Board determined to provide the Project and to defray the costs thereof by levying the Assessments on benefitted property. Resolution 2022-25 was adopted in compliance with the requirements of Section 170.03, Florida Statutes, and prior to the time it was adopted, the requirements of Section 170.04, Florida Statutes, had been met.

(g) As directed by Resolution 2022-25, said Resolution 2022-25 was published as required by Section 170.05, Florida Statutes, and a copy of the publisher's affidavit of publication is on file with the Secretary of the Board.

(h) As directed by Resolution 2022-25, a preliminary assessment roll was adopted and filed with the Board as required by Section 170.06, Florida Statutes.

(i) As required by Section 170.07, Florida Statutes, upon completion of the preliminary assessment roll, the Board adopted Resolution 2022-26 fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (i) the propriety and advisability of making the infrastructure improvements; (ii) the cost thereof; (iii) the manner of payment therefor; and (iv) the amount thereof to be assessed against each specially benefitted property or parcel and provided for publication of notice of such public hearing and individual mailed notice in accordance with Chapters 170 and 190, Florida Statutes.

(j) Notice of such public hearing was given by publication and also by mail as required by Section 170.07, Florida Statutes. Affidavits as to such publications and mailings are on file in the office of the Secretary of the Board.

(k) On January 18, 2022, being the date referenced in Resolution 2022-26 and at the time and place specified in the published notice specified in Resolution 2022-26 the Board met as an Equalization Board, conducted a public hearing and heard and considered all complaints and testimony as to the matters described in paragraph (i) above. The Board has made such modifications in the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll.

(l) Having considered the estimated costs of the Project, estimates of financing costs and all complaints and evidence presented at such public hearing, the Board of Supervisors of the District further finds and determines as follows:

(i) the estimated costs of the Project is as specified in the Engineer's Report, which Engineer's Report is hereby adopted and approved, and that the amount of such costs is reasonable and proper; and

(ii) it is reasonable, proper, just and right to assess the cost of such Project against the properties specially benefitted thereby using the method determined by the Board set forth in that certain Master Assessment Report, dated December 14, 2021, which results in the Assessments set forth on the final assessment roll; and

(iii) it is hereby declared that the Project will constitute a special benefit to all parcels of real property listed on said final assessment roll and that the benefit, in the case of each such parcel, will be equal to or in excess of the Assessments thereon when allocated as set forth in the Master Assessment Report; and

(iv) the Assessments which are allocated as set forth in the Master Assessment Report have been fairly and reasonably allocated; and

(v) it is in the best interest of the District that the Assessments be paid and collected as herein provided.

**SECTION 3. AUTHORIZATION OF DISTRICT PROJECT.** That certain Project for construction of infrastructure improvements initially described in Resolution 2022-25 and more specifically identified and described in the Engineer's Report, is hereby authorized and approved and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable.

**SECTION 4. ESTIMATED COST OF IMPROVEMENTS.** The total estimated costs of the Project and the costs to be paid by the Assessments on all specially benefitted property are set forth in Exhibits A and B, respectively, attached hereto and incorporated herein.

**SECTION 5. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF SPECIAL ASSESSMENTS.** The Assessments on the parcels specially benefitted by the Project, all as specified in the assessment roll set forth in the Master Assessment Methodology Report are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution, the Assessments set forth in this final assessment roll set forth in the Master Assessment Report shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "Improvement Lien Book". The Assessments against each respective parcel shown on such final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. Prior to the issuance of any bonds, including refunding bonds, the District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage within the District among individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary in the best interest of the District as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law. In the event the issuance of bonds, including refunding bonds, by the District would result in a decrease in the special assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the Improvement Lien Book to reflect such a decrease.

**SECTION 6. FINALIZATION OF SPECIAL ASSESSMENTS.** When the entire Project has both been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs)



thereof, as required by Sections 170.08 and 170.09, Florida Statutes. Pursuant to the provisions of section 170.08, Florida Statutes, regarding completion of a project funded by a particular series of bonds, the District shall credit to each Assessment the difference, if any, between the Assessment as hereby made, approved and confirmed and the actual costs incurred in completing the Project. In making such credits, no credit shall be given for bond financing costs, capitalized interest, funded reserves or bond discounts. Such credits, if any, shall be entered in the Improvement Lien Book. Once the final amount of the Assessments for the entire Project has been determined, the term "Assessment" shall, with respect to each parcel, mean the sum of the costs of the Project.

## **SECTION 7. PAYMENT OF SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.**

(a) Commencing with the year in which the Assessments are certified for collection and subsequent to any capitalized interest period, the Assessments shall be paid in yearly installments (not to exceed a total of thirty (30) annual installments) which installments shall include principal and interest as calculated in accordance with the Master Assessment Report. All Assessments collected utilizing the Uniform Method (as hereinafter defined) shall be the amount determined in the first sentence of this paragraph increased by the percentage costs of collection, necessary administrative costs and the maximum allowable discount for the early payment of taxes. The Assessments may be paid in full without interest at any time within thirty (30) days after the completion of the Project and the adoption by the Board of a resolution by the District accepting the Project; provided, however, that the Board shall at any time make such adjustments by resolution, at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interest of the District to account for changes in long and short term debt as actually issued by the District. At any time subsequent to thirty (30) days after the Project has been completed and a resolution accepting the Project has been adopted by the Board, the Assessments may be prepaid in full including interest amounts to the next succeeding interest payment date or to the second succeeding interest payment date if such a prepayment is made within forty (40) calendar days before an interest payment date. The owner of property subject to the Assessments may prepay the entire remaining balance of the Assessments at any time, or a portion of the remaining balance of the Assessments one time if there is also paid, in addition to the prepaid principal balance of the Assessments, an amount equal to the interest that would otherwise be due on such prepaid amount on the next succeeding interest payment date for the bonds, or, if prepaid during the forty (40) day period preceding such interest payment date, to the interest payment date following such next succeeding interest payment date. Prepayment of the Assessments does not entitle the property owner to any discounts for early payment.

(b) The District may elect to use the method of collecting special assessments authorized by Sections 197.3632 and 197.3635, Florida Statutes (the "Uniform Method"). The District has heretofore taken or will use its best efforts to take as timely required necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, Florida Statutes. The Assessments may be subject to all of the collection provisions of Chapter 197, Florida Statutes. Notwithstanding the above, in the event the Uniform Method of collecting its special or non-ad

valorem assessments is not available to the District in any year, or if otherwise determined by the District, the Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect the Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.

(c) For each year the District uses the Uniform Method, the District shall enter into an agreement with the Tax Collector of Broward County who may notify each owner of a lot or parcel within the District of the amount of the Assessment, including interest thereon, in the manner provided in Section 197.3635, Florida Statutes.

**SECTION 8. TRUE-UP MECHANISM AND PAYMENTS.** The Assessments have been allocated in accordance with the Master Assessment Report. As of the date of this Resolution, there are still unbuilt units within the area subject to the Assessments levied by this Resolution ("Assessed Lands"). The Assessments will be allocated based on the units presently contemplated to be built on the Assessed Lands by the current landowners of the Assessed Lands. The District shall undertake true-up determinations as set forth in Section 5.6 of the Master Assessment Report. At such times as described in the Master Assessment Report, the applicable landowners may be required to make a true-up payment (a "True-Up Payment") in addition to the regular assessment installment payable for lands owned by the applicable landowner. The District will ensure collection of such True-Up Payments in a timely manner in order to meet its debt service obligations, and in all cases, the applicable landowner shall make such payments in order to ensure the District's timely payment of the debt service obligations.

**SECTION 9. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT.** Property owned by units of local, state, and federal government shall not be subject to the Assessments without specific consent thereto. If at any time, any real property on which the Assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of special assessments thereon), all future unpaid Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

**SECTION 10. ASSESSMENT NOTICE.** The District's Secretary is hereby directed to record a general Notice of Assessments in the Official Records of Broward County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

**SECTION 11. SEVERABILITY.** If any section or part of a section of this Resolution be declared invalid or unconstitutional, 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 12. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 13. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

**PASSED AND ADOPTED** this 18th day of January, 2022.

**MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

**ATTEST:**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

**Exhibits:**

Exhibit "A": Engineer's Report prepared by Alvarez Engineers, Inc., dated December 14, 2021

Exhibit "B": Master Special Assessment Methodology Report prepared by Wrathell, Hunt and Associates, LLC, dated December 14, 2021

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **7A**

SUN-SENTINEL

**Sold To:**

Merrick Square Community Development District - CU80131802  
2300 Glades Rd, Ste 410W  
Boca Raton,FL 33431-8556

**Bill To:**

Merrick Square Community Development District - CU80131802  
2300 Glades Rd, Ste 410W  
Boca Raton,FL 33431-8556

**Published Daily**

**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Florida**  
**County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,  
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the  
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting .  
Was published in said newspaper by print in the issues of, or by publication on the  
newspaper’s website, if authorized on Dec 21, 2021; Dec 28, 2021; Jan 04, 2022; Jan 11, 2022

Affiant further says that the newspaper complies with all legal requirements for  
publication in Chapter 50, Florida Statutes.

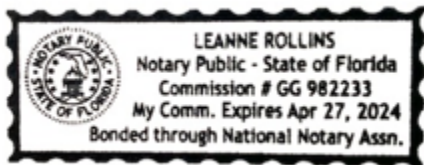


Signature of Affiant

Sworn to and subscribed before me this: January 12, 2022.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:** E-Mail  
**Affidavit Email Address:** gillyardd@whhassociates.com  
7109061

**MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT  
NOTICE OF THE DISTRICT'S INTENT TO  
USE THE UNIFORM METHOD  
OF COLLECTION OF NON-AD VALOREM  
ASSESSMENTS**

Notice is hereby given that the Merrick Square Community Development District ("District") intends to use the uniform method of collecting non-ad valorem special assessments to be levied by the District pursuant to Section 197.3632, Florida Statutes. The Board of Supervisors of the District will conduct a public hearing on January 18, 2022, at 2:30 p.m., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, FL 33073

The purpose of the public hearing is to consider the adoption of a resolution authorizing the District to use the uniform method of collecting non-ad valorem special assessments ("Uniform Method") to be levied by the District on properties located on land included within the boundaries of, or to be added to, the District.

The District may levy non-ad valorem special assessments for the purpose of financing, acquiring, maintaining and/or operating community development facilities, services and improvements within and without the boundaries of the District, to consist of, among other things, recreational facilities, stormwater management improvements, irrigation, landscape, roadways, and other lawful improvements or services within or without the boundaries of the District. The District intends to use the Uniform Method for a period of more than one year.

Owners of the properties to be assessed and other interested parties may appear at the public hearing and be heard regarding the use of the Uniform Method. This hearing is open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing may be continued to a date, time, and location to be specified on the record at the hearing.

There may be occasions when Supervisors or District Staff may participate by speaker telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office, c/o Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by calling (877) 276-0889, at least forty-eight (48) hours prior to the meeting. 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), for aid in contacting the District Office.

A person who decides to appeal any deci-

**SUN-SENTINEL**

sion made at the hearing with respect to any matter considered at the hearing 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 such appeal is to be based.

Craig Wrathell  
District Manager

12/21,12/28/2021,1/4,1/11/202271  
09061

Order # - 7109061

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **7B**



**RESOLUTION 2022-31**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT CONFIRMING THE INTENT OF THE DISTRICT TO USE THE UNIFORM METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS AS AUTHORIZED AND PERMITTED BY SECTION 197.3632, FLORIDA STATUTES; EXPRESSING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS AND SETTING FORTH THE LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE DISTRICT'S JURISDICTIONAL BOUNDARIES THAT MAY OR SHALL BE SUBJECT TO THE LEVY OF DISTRICT NON-AD VALOREM ASSESSMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 197, Florida Statutes, provides for the usage by the Merrick Square Community Development District of a uniform method of levying, collecting and enforcing its non-ad valorem assessments; and

**WHEREAS**, Chapter 197, Florida Statutes, sets forth certain requirements which must be met by the Merrick Square Community Development District in order to use said uniform method of levying, collecting and enforcing its non-ad valorem assessments; and

**WHEREAS**, the District's Board of Supervisors previously adopted Resolution 2022-24 expressing its intent to use the uniform method of levy, collection and enforcement as authorized and permitted by Section 197.3632, Florida Statutes; and

**WHEREAS**, the District's Board of Supervisors has also previously approved Resolution 2022-25 determining that Assessments (as defined in Resolution 2022-25) shall be levied on properties as set forth in the Master Special Assessment Methodology Report, dated December 14, 2021 attached as Exhibit "B" of Resolution 2022-25; and

**WHEREAS**, the District's Board of Supervisors hereby expresses its intent to use the uniform method of levy, collection and enforcement as authorized and permitted by Section 197.3632, Florida Statutes, relating to the Assessments; and

**WHEREAS**, in accordance with Section 197.3632, Florida Statutes, and Resolution No. 2022-24 adopted by the Merrick Square Community Development District, the District caused to be published in a newspaper of general circulation within Broward County, weekly for four (4) consecutive weeks prior to the date of the public hearing, a notice of the District's intent to hold a public hearing for the purpose of advising the public of the District's intention to adopt and use the Chapter 197, Florida Statutes, uniform method of levying, collecting and enforcing non-ad valorem assessments. Affidavits as to such publications are on file in the office of the Secretary of the Board; and

**WHEREAS**, the District held a public hearing pursuant to Resolution 2022-24 on Tuesday January 18, 2022 at the time and place set forth in said public notice; and

**WHEREAS**, the Board of Supervisors of Merrick Square Community Development District has determined that it is in the best interest of the District for the District to elect to use the uniform method of levying, collecting and enforcing non-ad valorem assessments as provided in Section 197.3632, Florida Statutes.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT THAT:**

**Section 1. ADOPTION.** The District confirms that the uniform method of levying, collecting and enforcing non-ad valorem assessments as authorized by Section 197.3632, Florida Statutes, is hereby adopted for usage by the Merrick Square Community Development District.

**Section 2. BOUNDARIES DEFINED.** The uniform method of levying, collecting and enforcing non-ad valorem assessments now and in the future, if so required, shall, to the extent authorized by law, apply to all lands located within the jurisdictional boundaries of the Merrick Square Community Development District, as said jurisdictional boundaries are described in attached Exhibit "A" which is incorporated herein and made a part hereof.

**Section 3. NEED FOR LEVY OF NON-AD VALOREM ASSESSMENTS.** The District hereby determines that the levy of the non-ad valorem assessments is needed to fund the Improvements as described in the Engineer's Report, dated December 14, 2021 (defined in Resolution 2022-25) upon the properties described in Exhibit "A" attached hereto.

**Section 4. DELIVERY TO PROPERTY APPRAISER AND TAX COLLECTOR.** A copy of this Resolution, together with the exhibit describing the boundaries of the real property of the District subject to the levy, shall be promptly forwarded to the Broward County Property Appraiser, Broward County Tax Collector, and the Florida Department of Revenue.

**Section 5. SEVERABILITY.** If any section or part of a section of this Resolution be declared invalid or unconstitutional, 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 6. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**Section 7. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 18th day of January, 2022

**MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

**ATTEST:**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice-Chair

**EXHIBIT "A"**

Legal Description of Jurisdictional Boundaries of District

A PORTION OF PARCEL A-1 AND PARCEL D OF "PEMBROKE SHORES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 157, PAGE 22, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND TRACT 45, LESS THE WEST 1/2 THEREOF, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 17, TOWNSHIP 51 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID PARCEL D, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF PINES BOULEVARD (HOLLYWOOD BOULEVARD); THENCE NORTH 89°39'59" EAST ON SAID SOUTH RIGHT-OF-WAY LINE ALSO BEING THE NORTH LINE OF SAID PARCEL D AND CONTINUING ON THE NORTH LINE OF SAID PARCEL A-1 FOR 750.01 FEET TO A POINT ON THE EAST LINE OF THE WEST 11.30 FEET OF SAID PARCEL A-1; THENCE SOUTH 00°20'02" EAST ON SAID EAST LINE 839.58 FEET TO A POINT ON THE NORTH LINE OF TRACT A-2, "PEMBROKE SHORES PARCEL 2 & 10", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 31, OF SAID PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 89°39'26" WEST ON SAID NORTH LINE 11.30 FEET TO THE NORTHWEST CORNER OF SAID TRACT A-2; THENCE SOUTH 00°20'02" EAST ON THE WEST LINE OF SAID TRACT A-2 FOR 50.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT A-2, SAID POINT BEING ON THE NORTH LINE OF SAID TRACT 45, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; THENCE NORTH 89°39'26" EAST ON SAID NORTH LINE OF SAID TRACT 45 ALSO BEING THE SOUTH LINE OF SAID TRACT A-2 FOR 493.82 FEET TO THE NORTHEAST CORNER OF SAID TRACT 45; THENCE SOUTH 01°47'09" EAST ON THE WEST LINE OF TRACT D-1 OF SAID "PEMBROKE SHORES PARCEL 2 & 10" AND CONTINUING ON THE WEST LINE OF "PEMBROKE SHORES PARCEL 2 REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 161, PAGE 45, SAID LINE ALSO BEING THE EAST LINE OF SAID TRACT 45 FOR 329.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 45; THENCE SOUTH 89°39'15" WEST ON THE SOUTH LINE OF SAID TRACT 45 FOR 658.89 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID TRACT 45; THENCE NORTH 01°47'17" WEST ON SAID EAST LINE, ALSO BEING THE EAST LINE OF AFOREMENTIONED PARCEL D, "PEMBROKE SHORES" 177.85 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 177.79 FEET OF SAID PARCEL D; THENCE SOUTH 89°39'15" WEST ON SAID NORTH LINE 643.91 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SW 172ND AVENUE AS SHOWN ON SAID PLAT OF "PEMBROKE SHORES"; THENCE ON SAID EAST RIGHT-OF-WAY LINE, ALSO BEING THE WEST LINE OF SAID PARCEL D, THE FOLLOWING 10 COURSES AND DISTANCES; 1) NORTH 01°47'25" WEST 19.55 FEET; 2) NORTH 05°03'09" EAST 100.72 FEET; 3) NORTH 01°47'25" WEST 129.84 FEET TO A POINT ON THE ARC OF A NON-TANGENT CIRCULAR CURVE, CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°11'31" WEST; 4) NORTHERLY ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2254.50 FEET, A CENTRAL ANGLE OF 4°45'34", FOR AN ARC LENGTH OF 187.28 FEET; 5) SOUTH 89°39'58" WEST ON A NON-RADIAL LINE 12.02 FEET TO A POINT ON THE ARC OF A NON-TANGENT CIRCULAR CURVE, CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 87°01'21" WEST; 6) NORTHERLY ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2266.50 FEET, A CENTRAL ANGLE OF 2°39'33", FOR AN ARC LENGTH OF 105.19 FEET TO A POINT OF NON-TANGENCY; 7) NORTH 07°40'09" EAST 202.76 FEET TO A POINT ON THE ARC OF A NON-TANGENT CIRCULAR CURVE, CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°07'28" EAST; 8) NORTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2345.50 FEET, A CENTRAL ANGLE OF 3°39'51", FOR AN ARC LENGTH OF 150.00 FEET TO A POINT OF TANGENCY; 9) NORTH 01°47'19" WEST 113.56 FEET; 10) NORTH 43°56'17" EAST 50.12 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA  
CONTAINING 1,023,703 SQUARE FEET (23.5010 ACRES).

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**8**

**RESOLUTION 2022-07**

**A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE PRIMARY ADMINISTRATIVE OFFICE AND PRINCIPAL HEADQUARTERS OF THE DISTRICT AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Merrick Square Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, the District desires to designate its primary administrative office as the location where the District’s public records are routinely created, sent, received, maintained, and requested, for the purposes of prominently posting the contact information of the District’s Record’s Custodian in order to provide citizens with the ability to access the District’s records and ensure that the public is informed of the activities of the District in accordance with Chapter 119, *Florida Statutes*; and

**WHEREAS**, the District additionally desires to specify the location of the District’s principal headquarters for the purpose of establishing proper venue under the common law home venue privilege applicable to the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT:**

**1. PRIMARY ADMINISTRATIVE OFFICE.** The District’s primary administrative office for purposes of Chapter 119, *Florida Statutes*, shall be located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

**2. PRINCIPAL HEADQUARTERS.** The District’s principal headquarters for purposes of establishing proper venue shall be located at the offices of \_\_\_\_\_, and within Broward County, Florida.

**3. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 18th day of January, 2022.

ATTEST:

**MERRICK SQUARE COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors



# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**9**

**MERRICK SQUARE  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
NOVEMBER 30, 2021**

**MERRICK SQUARE  
 COMMUNITY DEVELOPMENT DISTRICT  
 BALANCE SHEET  
 GOVERNMENTAL FUNDS  
 NOVEMBER 30, 2021**

|                                      | General<br>Fund    |
|--------------------------------------|--------------------|
| <b>ASSETS</b>                        | <u>\$ -</u>        |
| Total assets                         | <u><u>\$ -</u></u> |
| <br>                                 |                    |
| <b>LIABILITIES AND FUND BALANCES</b> |                    |
| Liabilities:                         | <u>\$ -</u>        |
| Total liabilities                    | <u>-</u>           |
| <br>                                 |                    |
| Fund balances:                       |                    |
| Unassigned                           | <u>-</u>           |
| Total fund balances                  | <u><u>-</u></u>    |
| <br>                                 |                    |
| Total liabilities and fund balances  | <u><u>\$ -</u></u> |

**MERRICK SQUARE  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED NOVEMBER 30, 2021**

|  | <u>Current<br/>Month</u> | <u>Year to<br/>Date</u> | <u>Budget</u> | <u>% of<br/>Budget</u> |
|--|--------------------------|-------------------------|---------------|------------------------|
| <b>REVENUES</b>  |                          |                         |               |                        |
| Landowner contribution                                       | \$ -                     | \$ -                    | \$ 72,265     | 0%                     |
| Total revenues   | <u>-</u>                 | <u>-</u>                | <u>72,265</u> | 0%                     |
| <b>EXPENDITURES</b>  |                          |                         |               |                        |
| <b>Professional &amp; administrative</b>                     |                          |                         |               |                        |
| Management/accounting/recording                              | -                        | -                       | 29,000        | 0%                     |
| Legal  | -                        | -                       | 25,000        | 0%                     |
| Engineering  | -                        | -                       | 2,000         | 0%                     |
| Dissemination agent  | -                        | -                       | 500           | 0%                     |
| Telephone  | -                        | -                       | 200           | 0%                     |
| Postage  | -                        | -                       | 500           | 0%                     |
| Printing & binding   | -                        | -                       | 500           | 0%                     |
| Legal advertising  | -                        | -                       | 6,500         | 0%                     |
| Annual special district fee                                  | -                        | -                       | 175           | 0%                     |
| Insurance - GL and D&O                                       | -                        | -                       | 5,500         | 0%                     |
| Contingencies/bank charges                                   | -                        | -                       | 500           | 0%                     |
| Website hosting & maintenance                                | -                        | -                       | 1,680         | 0%                     |
| Website ADA compliance                                       | -                        | -                       | 210           | 0%                     |
| Total professional & administrative                          | <u>-</u>                 | <u>-</u>                | <u>72,265</u> | 0%                     |
| Excess/(deficiency) of revenues<br>over/(under) expenditures | -                        | -                       | -             |                        |
| Fund balances - beginning                                    | -                        | -                       | -             |                        |
| Fund balances - ending                                       | <u>\$ -</u>              | <u>\$ -</u>             | <u>\$ -</u>   |                        |

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**10**

**DRAFT**

**MINUTES OF MEETING  
MERRICK SQUARE  
COMMUNITY DEVELOPMENT DISTRICT**

An Organizational Meeting of the Merrick Square Community Development District was held on December 14, 2021, at 9:30 A.M., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073.

**Present at the meeting were:**

|                |                     |
|----------------|---------------------|
| Javi Tavel     | Chair               |
| Karl Albertson | Vice Chair          |
| Jordan Bayne   | Assistant Secretary |
| Vindra Hanuman | Assistant Secretary |
| Ryan Kaufman   | Assistant Secretary |

**Also present were:**

|                                 |   |
|---------------------------------|---|
| Craig Wrathell                  | District Manager  |
| Pfil Hunt                       | Wrathell, Hunt and Associates, LLC (WHA)                        |
| Cindy Cerbone                   | Wrathell, Hunt and Associates, LLC (WHA)                        |
| Daniel Rom                      | Wrathell, Hunt and Associates, LLC (WHA)                        |
| Michael Pawelczyk               | District Counsel  |
| Juan Alvarez                    | Interim District Engineer                                       |
| Jon Kessler                     | FMSbonds, Inc. (FMS)  |
| Justin Rowan                    | D.R. Horton   |
| Cynthia Wilhelm (via telephone) | Bond Counsel - Nabors, Giblin & Nickerson, P.A. (Nabors Giblin) |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Wrathell called the meeting to order at 9:36 a.m. The five initial Board Members named on the petition to create the District, Mr. Albertson, Mr. Tavel, Ms. Hanuman, Mr. Kaufman and Mr. Bayne were present, in person.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

40 **GENERAL DISTRICT ITEMS**41 **THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Initial Board of Supervisors *(the following will also be provided in a separate package)***

42  
43  
44  
45 Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the  
46 Oath of Office to Mr. Albertson, Mr. Tavel, Ms. Hanuman, Mr. Kaufman and Mr. Bayne. Mr.  
47 Wrathell and Mr. Pawelczyk provided and briefly explained the following items:

48 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

49 **B. Membership, Obligations and Responsibilities**

50 **C. Chapter 190, Florida Statutes**

51 **D. Financial Disclosure Forms**

52 **I. Form 1: Statement of Financial Interests**

53 **II. Form 1X: Amendment to Form 1, Statement of Financial Interests**

54 **III. Form 1F: Final Statement of Financial Interests**

55 **E. Form 8B: Memorandum of Voting Conflict**

56 Supervisors were instructed to file Form 1 with the Supervisors of Elections Office, in the  
57 County of their residence, within 30 days. Mr. Wrathell urged the Supervisors to use the CDD  
58 email address that would be created for each of them. If a public records request is received, it  
59 should be emailed to Management immediately so that Management can respond. It is not  
60 necessary to keep any documents; however, if kept, he recommended maintaining separate  
61 computer and hardcopy files for CDD documents and business to keep them separate from  
62 their personal records.

63 Mr. Pawelczyk discussed the gift provision and recommended that Supervisors do not  
64 accept any gifts; however, they can accept gifts under \$25, without having to report it; anything  
65 above that and the \$100 cap amount must be reported to the State. Board Members were  
66 instructed to contact Mr. Wrathell and Mr. Pawelczyk with any questions.

67

68 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date**

69

70

71

72 Mr. Wrathell presented Resolution 2022-01. Mr. Albertson nominated the following  
73 slate of officers:

- 74 Javi Tavel Chair
- 75 Karl Albertson Vice Chair
- 76 Craig Wrathell Secretary
- 77 Vindra Hanuman Assistant Secretary
- 78 Ryan Kaufman Assistant Secretary
- 79 Jordan Bayne Assistant Secretary
- 80 Cindy Cerbone Assistant Secretary
- 81 Daniel Rom Assistant Secretary
- 82 Craig Wrathell Treasurer
- 83 Jeff Pinder Assistant Treasurer

84 No other nominations were made.

85

86 **On MOTION by Ms. Hanuman and seconded by Mr. Tavel, with all in favor,**  
 87 **Resolution 2022-01, Designating Certain Officers of the District, as nominated,**  
 88 **and Providing for an Effective Date, was adopted.**

89

90

91 In response to a question about the Chair being allowed to make a motion, Mr. Wrathell  
 92 stated that the CDD loosely follows but has not officially adopted Robert’s Rules of Orders;  
 93 therefore, the Chair has the ability to make a motion. Mr. Pawelczyk suggested that the Chair  
 94 request a motion from one of the other Supervisors.

95

96 **FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-02,  
 Designating a Date, Time, and Location for  
 Landowners’ Meeting of the District, and  
 Providing for an Effective Date**

97

98

99

100

101 Mr. Wrathell presented Resolution 2022-02. Board Members are not required to attend  
 102 the Landowners’ meeting but the Landowner or a designated proxy holder for the Landowner  
 103 must attend to cast votes.





140 **C. Resolution 2022-05, Designating a Registered Agent and Registered Office of the**  
141 **District, and Providing for an Effective Date**

142 Mr. Wrathell presented Resolution 2022-05. To prevent processing delays, the Board  
143 decided to designate Mr. Lyles as Registered Agent, instead of Mr. Wrathell. District Counsel's  
144 office was designated as the Registered Office of the District.

145

146 **On MOTION by Mr. Bayne and seconded by Mr. Kaufman, with all in favor,**  
147 **Resolution 2022-05, as amended, Designating Dennis Lyles of Billing, Cochran,**  
148 **Lyles, Mauro & Ramsey, P.A., as Registered Agent and Billing, Cochran, Lyles,**  
149 **Mauro & Ramsey, P.A., 515 East Las Olas Boulevard, Fort Lauderdale, Florida**  
150 **33301, as the Registered Office of the District; and Providing for an Effective**  
151 **Date, was adopted.**

152

153

154 **D. Resolution 2022-06, Appointing an Interim District Engineer for the Merrick Square**  
155 **Community Development District, Authorizing its Compensation and Providing for an**  
156 **Effective Date**

- 157 • **Interim Engineering Services Agreement: *Alvarez Engineers, Inc.***

158 Mr. Wrathell presented Resolution 2022-06 and the Interim Engineering Services  
159 Agreement with Alvarez Engineers, Inc.

160

161 **On MOTION by Mr. Bayne and seconded by Mr. Kaufman, with all in favor,**  
162 **Resolution 2022-06, Appointing Alvarez Engineers, Inc., as the Interim District**  
163 **Engineer for the Merrick Square Community Development District, Authorizing**  
164 **its Compensation and Providing for an Effective Date, was adopted.**

165

166

167 **E. Authorization of Request for Qualifications (RFQ) for Engineering Services**

168 Mr. Wrathell presented the RFQ for Engineering Services.

169

170 **On MOTION by Ms. Hanuman and seconded by Mr. Tavel, with all in favor, the**  
171 **Request for Qualifications for Engineering Services, and authorizing Staff to**  
172 **advertise, was approved.**

173

174

175 **F. Board Member Compensation: 190.006 (8), F.S.**

176 All Board Members declined compensation.

177 **G. Resolution 2022-07, Designating the Primary Administrative Office and Principal**  
178 **Headquarters of the District and Providing an Effective Date**

179 This item was deferred to the next meeting.

180 **H. Resolution 2022-08, Setting Forth the Policy of the Merrick Square Community**  
181 **Development District Board of Supervisors with Regard to the Support and Legal**  
182 **Defense of the Board of Supervisors and District Officers and Providing for an Effective**  
183 **Date**

184 • **Authorization to Obtain General Liability and Public Officers’ Insurance**

185 Mr. Wrathell presented Resolution 2022-08, which sets forth the CDD’s policy for the  
186 support and legal defense of Board Members and Staff specifically related to their actions  
187 carrying out CDD activities.

188

189 **On MOTION by Ms. Hanuman and seconded by Mr. Kaufman, with all in favor,**  
190 **Resolution 2022-08, Setting Forth the Policy of the Merrick Square Community**  
191 **Development District Board of Supervisors with Regard to the Support and**  
192 **Legal Defense of the Board of Supervisors and District Officers and Providing**  
193 **for an Effective Date, was adopted.**

194

195

196 **On MOTION by Mr. Kaufman and seconded by Mr. Bayne, with all in favor,**  
197 **authorizing Staff to obtain General Liability and Public Officers’ insurance, was**  
198 **approved.**

199

200

201 **I. Resolution 2022-09, Providing for the Public’s Opportunity to Be Heard; Designating**  
202 **Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be**  
203 **Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for**  
204 **Severability and an Effective Date**

205 Mr. Wrathell presented Resolution 2022-09.

206

207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218

**On MOTION by Mr. Kaufman and seconded by Ms. Hanuman, with all in favor, Resolution 2022-09, Providing for the Public’s Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date, was adopted.**

- J. Resolution 2022-10, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date**

Mr. Wrathell presented Resolution 2022-10. Records would be kept in perpetuity.

219  
220  
221  
222  
223  
224

**On MOTION by Ms. Hanuman and seconded by Mr. Bayne, with all in favor, Resolution 2022-10, Providing for the Appointment of Wrathell, Hunt and Associates, LLC, as the Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date, was adopted.**

225  
226

- K. Resolution 2022-11, Granting the Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date**

Mr. Wrathell presented Resolution 2022-11. This grants the Chair the authority to work with District Staff and to execute certain documents, between meetings, to avoid construction delays. The following change was made to Resolution 2022-11:

Section 2: Insert “, or in the absence of the Chair, the Vice Chair,” “after “Chair”

235

236  
237  
238  
239  
240  
241  
242

**On MOTION by Mr. Albertson and seconded by Ms. Hanuman, with all in favor, Resolution 2022-11, as amended, Granting the Chair, or in the absence of the Chair, the Vice Chair, the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

243 L. Resolution 2022-12, Ratifying, Confirming and Approving the Recording of the Notice  
244 of Establishment for the Merrick Square Community Development District

245 Mr. Wrathell presented Resolution 2022-12.

246

247 **On MOTION by Mr. Kaufman and seconded by Mr. Albertson, with all in favor,**  
248 **Resolution 2022-12, Ratifying, Confirming and Approving the Recording of the**  
249 **Notice of Establishment for the Merrick Square Community Development**  
250 **District, was adopted.**

251

252

253 M. Authorization of Request for Proposals (RFP) for Annual Audit Services

254 • Designation of Board of Supervisors as Audit Committee

255 Mr. Wrathell presented the RFP for Annual Audit Services and Auditor Selection  
256 Evaluation Criteria.

257

258 **On MOTION by Ms. Hanuman and seconded by Mr. Tavel, with all in favor, the**  
259 **Request for Proposals for Annual Auditing Services and Ranking**  
260 **Criteria, authorizing the District Manager to advertise and designating the**  
261 **Board of Supervisors as the Audit Selection Committee, was approved.**

262

263

264 N. Strange Zone, Inc., Quotation #M21-1021 for Website Creation & Development,  
265 Website Maintenance, Website Hosting & Email, Domain Registration, SSL Certificates

266 Mr. Wrathell presented the Strange Zone, Inc., proposal, in the amount of \$1,679.99.

267 Only statutorily required documents would be posted on the CDD website.

268

269 **On MOTION by Mr. Bayne and seconded by Mr. Kaufman, with all in favor, the**  
270 **Strange Zone, Inc. Quotation #M21-1021 for Website Creation & Development,**  
271 **Website Maintenance, Website Hosting & Email, Domain Registration, SSL**  
272 **Certificates, in the amount of \$1,679.99, was approved.**

273

274

275 O. ADA Site Compliance Proposal for Technological Auditing, Accessibility Policy and  
276 Compliance Shield, Technical Support

277 Mr. Wrathell presented the ADA Site Compliance proposal. The cost is \$210 per year.

278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310

**On MOTION by Mr. Albertson and seconded by Mr. Kaufman, with all in favor, the ADA Site Compliance Proposal for Technological Auditing, Accessibility Policy and Compliance Shield, Technical Support, in the amount of \$210 per year, was approved.**

**P. Resolution 2022-13, To Designate Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date**

**I. Rules of Procedure**

**II. Notices**

- **Notice of Rule Development**
- **Notice of Rulemaking**

These items were included for informational purposes.

Mr. Wrathell presented Resolution 2022-13.

**On MOTION by Mr. Kaufman and seconded by Mr. Bayne, with all in favor, Resolution 2022-13, To Designate Date, Time and Place, of February 15, 2022 at 2:30 p.m., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073, of the Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date, was adopted.**

**Q. Resolution 2022-14, Designating Dates, Times, and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date**

Mr. Wrathell presented Resolution 2022-14. The following would be inserted into

Exhibit "A":

DATE: Third Tuesday of each month

TIME: 2:30 p.m.

LOCATION: D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073

311  
312  
313  
314  
315  
316

**On MOTION by Ms. Hanuman and seconded by Mr. Tavel, with all in favor, Resolution 2022-14, Designating the third Tuesday of each month at 2:30 p.m., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073, as the Dates, Times, and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, as amended, and Providing for an Effective Date, was adopted.**

317  
318

**R. Resolution 2022-15, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date**

321 Mr. Wrathell presented Resolution 2022-15. In the event of an emergency or natural  
322 disaster, the CDD may request assistance from other participating local governments.

323

324  
325  
326

**On MOTION by Mr. Albertson and seconded by Mr. Kaufman, with all in favor, Resolution 2022-15, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date, was adopted.**

327  
328

**BANKING MATTERS**

**SEVENTH ORDER OF BUSINESS** **Consideration of the Following Banking Matters:**

**A. Resolution 2022-16, Designating a Public Depository for Funds of the Merrick Square Community Development District and Providing an Effective Date**

335 Mr. Wrathell presented Resolution 2022-16. Management recommended Truist Bank as  
336 the Qualified Public Depository for the CDD’s accounts. Developer funding requests would be  
337 submitted to Mr. Albertson and Ms. Laura Sorrentino, of D.R. Horton.

338

339  
340  
341  
342

**On MOTION by Mr. Albertson and seconded by Mr. Kaufman, with all in favor, Resolution 2022-16, Designating Truist Bank as the Public Depository for Funds of the Merrick Square Community Development District and Providing an Effective Date, was adopted.**

343  
344

**B. Resolution 2022-17, Directing the District Manager to Establish a Local Bank Account and Appoint Signors on the Account; and Providing an Effective Date**

346

347 Mr. Wrathell presented Resolution 2022-17. The Chair, Treasurer and Assistant  
348 Treasurer would be authorized signors.

349

**On MOTION by Mr. Kaufman and seconded by Mr. Bayne, with all in favor, Resolution 2022-17, Directing the District Manager to Establish a Local Bank Account for the District and Appoint Signors on the Account; and Providing an Effective Date, was adopted.**

354

355

356 **BUDGETARY MATTERS**

357 **EIGHTH ORDER OF BUSINESS**

**Consideration of the Following Budgetary Matters:**

358

359

- 360 **A. Resolution 2022-18, Approving the Proposed Budget for Fiscal Year 2021/2022 and**  
361 **Setting a Public Hearing Thereon Pursuant to Florida Law and Providing for an**  
362 **Effective Date**

363 Mr. Wrathell presented Resolution 2022-18 and the proposed Fiscal Year 2022 budget.  
364 He noted that certain expenses, such as Trustee fees, would be eligible for reimbursement out  
365 of the bond proceeds and that the Audit fee would not be required until the following fiscal  
366 year.

367

**On MOTION by Mr. Kaufman and seconded by Mr. Albertson, with all in favor, Resolution 2022-18, Approving the Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law for February 15, 2022 at 2:30 p.m., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073; and Providing for an Effective Date, was adopted.**

373

374

- 375 **B. Fiscal Year 2021/2022 Budget Funding Agreement**

376 Mr. Wrathell presented the Fiscal Year 2021/2022 Budget Funding Agreement. The  
377 Developer would fund CDD expenses as the expenses are incurred.

378 **Mr. Tavel left the meeting at 10:41 a.m.**

379



380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414

**On MOTION by Ms. Hanuman and seconded by Mr. Kaufman, with all in favor, the Fiscal Year 2021/2022 Budget Funding Agreement, was approved.**

- C. Resolution 2022-19 Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes, and Providing an Effective Date**  
Mr. Wrathell presented Resolution 2022-19.

**On MOTION by Mr. Bayne and seconded by Ms. Hanuman, with all in favor, Resolution 2022-19, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes, and Providing an Effective Date, was adopted.**

- D. Resolution 2022-20, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date**

Mr. Wrathell presented Resolution 2022-20.  
Mr. Tavel returned to the meeting and Mr. Kaufman left the meeting at 10:42 a.m.

**On MOTION by Mr. Bayne and seconded by Ms. Hanuman, with all in favor, Resolution 2022-20, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date, was adopted.**

- E. Resolution 2022-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date**

415 Mr. Wrathell presented Resolution 2022-21.

416

417 **On MOTION by Mr. Bayne and seconded by Mr. Albertson, with all in favor,**  
418 **Resolution 2022-21, Adopting a Policy for Reimbursement of District Travel**  
419 **Expenses; and Providing for Severability and an Effective Date, was adopted.**

420

421

422 **F. Resolution 2022-22, Adopting Prompt Payment Policies and Procedures Pursuant to**  
423 **Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an**  
424 **Effective Date**

425 Mr. Wrathell presented Resolution 2022-22.

426

427 **On MOTION by Ms. Hanuman and seconded by Mr. Tavel, with all in favor,**  
428 **Resolution 2022-22, Adopting Prompt Payment Policies and Procedures**  
429 **Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and**  
430 **Providing an Effective Date, was adopted.**

431

432

433 **G. Resolution 2022-23 Adopting an Internal Controls Policy Consistent with Section**  
434 **218.33, Florida Statutes; Providing an Effective Date**

435 Mr. Wrathell presented Resolution 2022-23. The District Manager already has internal  
436 controls policies in place, as part of the annual audit process.

437

438 **On MOTION by Ms. Hanuman and seconded by Mr. Albertson, with all in favor,**  
439 **Resolution 2022-23, Adopting an Internal Controls Policy Consistent with**  
440 **Section 218.33, Florida Statutes; Providing for an Effective Date, was adopted.**

441

442

443 **BOND FINANCING RELATED MATTERS**

444 **NINTH ORDER OF BUSINESS**

**Consideration of the Following Bond  
Financing Related Matters:**

445

446

447 **A. Bond Financing Team Funding Agreement**

448 Mr. Wrathell presented the Bond Financing Team Funding Agreement. All references to  
449 Forestar (USA) Real Estate Group Inc., and any associated information, would be replaced with  
450 D.R. Horton and D.R. Horton's information.

451

**On MOTION by Mr. Albertson and seconded by Mr. Tavel, with all in favor, the Bond Financing Team Funding Agreement, as amended, was approved.**

452

453

454

455

456 Mr. Kaufman returned to the meeting at 10:48 a.m.

457 **B. Engagement of Bond Financing Professionals**

458 **I. Underwriter: *FMSbonds, Inc.***

459 Mr. Wrathell presented the FMSbonds, Inc. (FMS) Agreement for Underwriter Services  
460 and Rule-G17 Disclosure Letter. The Underwriter fee would be 2% of the par amount of bonds.

461

**On MOTION by Mr. Albertson and seconded by Ms. Hanuman, with all in favor, The FMSbonds, Inc., Agreement for Underwriter Services & Rule G-17 Disclosure Letter, was approved.**

462

463

464

465

466

467

**II. Bond Counsel: *Nabors, Giblin & Nickerson P.A.***

468 Mr. Wrathell presented the Nabors, Giblin & Nickerson P.A., Agreement to serve as  
469 Bond Counsel and the proposed fee schedule; the fees are competitive for the market.

470

**On MOTION by Mr. Kaufman and seconded by Mr. Bayne, with all in favor, to engage the Nabors, Giblin & Nickerson, P.A., to serve as Bond Counsel, was approved.**

471

472

473

474

475

476

**III. Trustee, Paying Agent and Registrar: *U.S. Bank, N.A.***

477 Mr. Wrathell presented the U.S. Bank, N.A. proposal and fee schedule. The Trustee fees  
478 for year one would be paid out of the bond proceeds and, going forward, the fees would be  
479 included in the annual budget.

480

481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515

**On MOTION by Ms. Hanuman and seconded by Mr. Tavel, with all in favor, the U.S. Bank, N.A., Engagement Letter to serve as Trustee, Paying Agent and Registrar, was approved.**

**C. Resolution 2022-24, Designating a Date, Time, and Location of a Public Hearing Regarding the District’s Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date**

Mr. Wrathell presented Resolution 2022-24. The Resolution allows Staff to use the services of the Property Appraiser and Tax Collector.

**On MOTION by Mr. Kaufman and seconded by Mr. Bayne, with all in favor, Resolution 2022-24, Designating a Date, Time, and Location of January 18, 2022 at 2:30 p.m., at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073, for a Public Hearing Regarding the District’s Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date, was adopted.**

**D. Presentation of Engineer’s Report**

Mr. Alvarez gave an overview of the pertinent information in the Engineer’s Report dated December 14, 2021. Although the County Commissioners approved the plat, he suggested adding language to the plat granting the easements identified in Table 4, before it is recorded with the County, instead of having to issue them later.

The total estimated Capital Improvement Plan (CIP) is \$4,066,000.

**On MOTION by Mr. Kaufman and seconded by Ms. Hanuman, with all in favor, the Engineer’s Report dated December 14, 2021, in substantial form, was approved.**

516 Mr. Alvarez stated he would remove all the "Draft No. 2" labels in the Report and  
517 circulate a final version.

518 **E. Presentation of Master Special Assessment Methodology Report**

519 Mr. Wrathell presented the Master Special Assessment Methodology Report dated  
520 December 14, 2021. The Methodology purposely assumed the CDD would finance 100% of the  
521 improvements. The total estimated CIP of \$4,066,000 matched the figure in the Engineer's  
522 Report.

523 As requested, the Townhome Unit types would be reduced throughout to just one in the  
524 Engineer's and Methodology Reports, the Townhome front footage and Exhibit A would be  
525 corrected to reflect the bond debt of \$5,300,000 instead of \$5,000,000.

526 Discussion ensued regarding timing and the process for billing assessments through the  
527 Property Appraiser's office and possibly closing on the bonds in October 2022. The possibility  
528 of not needing a capitalized interest period and the suggestion to pro-rate the debt assessment  
529 and collect funds during the lot closings, were discussed.

530

531 **On MOTION by Mr. Albertson and seconded by Ms. Hanuman, with all in favor,**  
532 **the Master Special Assessment Methodology Report dated December 14, 2021,**  
533 **as amended and in substantial form, was approved.**

534

535

536 **F. Resolution 2022-25, Declaring Special Assessments; Indicating the Location, Nature**  
537 **and Cost of those Improvements Which Cost is Being Financed and Such Financing is to**  
538 **be Defrayed by the Special Assessments; Providing the Portion of the Cost of the**  
539 **Improvements to be Defrayed by the Special Assessments; Providing the Manner in**  
540 **Which Such Special Assessments Shall be Made; Providing When Such Special**  
541 **Assessments Shall be Paid; Designating Lands Upon Which the Special Assessments**  
542 **Shall be Levied; Providing for an Assessment Plat; Adopting a Preliminary Assessment**  
543 **Roll; Providing for Publication of this Resolution.**

544 Mr. Wrathell presented Resolution 2022-25 and read the title. Mr. Pawelczyk explained  
545 that Resolution 2022-25 declares the project and includes the public hearing information, which

546 would be inserted into the Resolution. The next Resolution, Resolution 2022-26, formally  
547 designates the Chapter 170 Public Hearing.

548

549 **On MOTION by Mr. Kaufman and seconded by Mr. Tavel, with all in favor,**  
550 **Resolution 2022-25, Declaring Special Assessments; Indicating the Location,**  
551 **Nature and Cost of those Improvements Which Cost is Being Financed and Such**  
552 **Financing is to be Defrayed by the Special Assessments; Providing the Portion**  
553 **of the Cost of the Improvements to be Defrayed by the Special Assessments;**  
554 **Providing the Manner in Which Such Special Assessments Shall be Made;**  
555 **Providing When Such Special Assessments Shall be Paid; Designating Lands**  
556 **Upon Which the Special Assessments Shall be Levied; Providing for an**  
557 **Assessment Plat; Adopting a Preliminary Assessment Roll; Providing for**  
558 **Publication of this Resolution, was adopted.**

559

560

561 **G. Resolution 2022-26, Setting a Public Hearing for the Purpose of Hearing Public**  
562 **Comment on Imposing Non-Ad Valorem Special Assessments on Certain Property**  
563 **Within the District Generally Described as the Merrick Square Community**  
564 **Development District in Accordance with Chapters 170, 190 and 197, Florida Statutes**  
565 **Mr. Wrathell presented Resolution 2022-26 and read the title.**

566

567 **On MOTION by Ms. Hanuman and seconded by Mr. Bayne, with all in favor,**  
568 **Resolution 2022-26, Setting a Public Hearing on January 18, 2022, at 2:30 p.m.,**  
569 **at the offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073,**  
570 **for the Purpose of Hearing Public Comment on Imposing Non-Ad Valorem**  
571 **Special Assessments on Certain Property Within the District Generally**  
572 **Described as the Merrick Square Community Development District in**  
573 **Accordance with Chapters 170, 190 and 197, Florida Statutes, was adopted.**

574

575

576 **H. Resolution 2022-27, Authorizing the Issuance of Not to Exceed \$5,300,000 Merrick**  
577 **Square Community Development District Capital Improvement Revenue Bonds, in One**  
578 **or More Series; Approving the Form of a Master Trust Indenture; Appointing a**  
579 **Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program;**  
580 **Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and**  
581 **Providing an Effective Date**

582 Ms. Wilhelm presented Resolution 2022-27, which accomplishes the following:

- 583 ➤ Approves the form of the Master Trust Indenture.
- 584 ➤ Appoints U.S. Bank, N.A., as the Trustee, Paying Agent and Registrar.
- 585 ➤ Describes the Series 2021 bonds whose principal amount shall not exceed \$5.3 million
- 586 and provides that the funds are not a general obligation of the State of Florida or any political
- 587 subdivision thereof but shall be payable only from the assessments that would be levied in
- 588 connection with each bond issuance.
- 589 ➤ Approves the Capital Improvement Program.
- 590 ➤ Authorizes District Counsel to commence the validation proceedings.
- 591 ➤ Provides a clause such that, after the bonds are validated, they cannot be issued
- 592 without presenting a subsequent Resolution.

593 Ms. Wilhelm recommended Resolution 2022-27 for adoption.

594

595 **On MOTION by Mr. Albertson and seconded by Mr. Kaufman, with all in favor,**

596 **Resolution 2022-27, Authorizing the Issuance of Not to Exceed \$5,300,000**

597 **Merrick Square Community Development District Capital Improvement**

598 **Revenue Bonds, in One or More Series; Approving the Form of a Master Trust**

599 **Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a**

600 **Capital Improvement Program; Authorizing the Commencement of Validation**

601 **Proceedings Relating to the Bonds, as outlined by Ms. Wilhelm; and Providing**

602 **an Effective Date, was adopted.**

603

604

605 Mr. Pawelczyk stated that, with the items just approved, he and Ms. Wilhelm would

606 work on finalizing the bond validation complaint. They expected to file it within three weeks

607 and would email information about the bond validation hearing date.

608

609 **TENTH ORDER OF BUSINESS**

**Update: Stormwater Reporting**  
**Requirements.**

610

611

612 Mr. Wrathell discussed new legislature that requires the CDD to prepare a 20-year

613 Stormwater Needs Analysis Report to submit to the State by June 30, 2022. Mr. Alvarez is

614 working on this for other CDDs and would present a Work Authorization at the next meeting.

615 Mr. Pawelczyk believed that the State implemented the mandate, so it can address  
616 those entities that are not already maintaining their systems.

617 This item would remain on the agenda.

618

619 **ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

620

621 **A. District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.***

622 There was nothing further to report.

623 **B. District Engineer [Interim]: Alvarez Engineers**

624 There was nothing further to report.

625 **C. District Manager: *Wrathell, Hunt and Associates, LLC***

- 626 • **NEXT MEETING DATE:** \_\_\_\_\_

- 627 ○ **QUORUM CHECK**

628 The next meeting would be held on January 18, 2022 at 2:30 p.m., at the offices of D.R.  
629 Horton, 6123 Lyons Road, Coconut Creek, Florida 33073.

630

631 **TWELFTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

632

633 There were no Board Members' comments or requests.

634

635 **THIRTEENTH ORDER OF BUSINESS**

**Public Comments**

636

637 There were no public comments.

638

639 **FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

640

641 There being nothing further to discuss, the meeting adjourned.

642

643 **On MOTION by Ms. Hanuman and seconded by Mr. Kaufman, with all in favor,**  
644 **the meeting adjourned at approximately 11:29 a.m.**

645

646

647

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



648  
649  
650  
651  
652  
653

---

Secretary/Assistant Secretary

---

Chair/Vice Chair

# **MERRICK SQUARE**

**COMMUNITY DEVELOPMENT DISTRICT**

**11C**

**MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT****BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE****LOCATION***offices of D.R. Horton, 6123 Lyons Road, Coconut Creek, Florida 33073*

| <b>DATE</b>               | <b>POTENTIAL DISCUSSION/FOCUS</b>   | <b>TIME</b>    |
|---------------------------|---|----------------|
| <b>January 18, 2022</b>   | <b>Landowners Meeting and<br/>Public Hearings and Regular Meeting</b>           | <b>2:30 PM</b> |
| <b>February 15, 2022</b>  | <b>Regular Meeting</b>  | <b>2:30 PM</b> |
| <b>March 15, 2022</b>     | <b>Regular Meeting</b>  | <b>2:30 PM</b> |
| <b>April 19, 2022</b>     | <b>Regular Meeting</b><br><i>(presentation of FY2023 proposed budget)</i>       | <b>2:30 PM</b> |
| <b>May 17, 2022</b>       | <b>Regular Meeting</b>  | <b>2:30 PM</b> |
| <b>June 21, 2022</b>      | <b>Regular Meeting</b>  | <b>2:30 PM</b> |
| <b>July 19, 2022</b>      | <b>Regular Meeting</b>  | <b>2:30 PM</b> |
| <b>August 16, 2022</b>    | <b>Public Hearing and Regular Meeting</b><br><i>(adoption of FY2023 budget)</i> | <b>2:30 PM</b> |
| <b>September 20, 2022</b> | <b>Regular Meeting</b>  | <b>2:30 PM</b> |