Belle Haven
Community Development District

Agenda

September 15, 2022

AGENDA

Belle Haven
Community Development District

219 East Livingston Street, Orlando, Florida 32801
Phone: 407-841-5524 – Fax: 407-839-1526

September 8, 2022

Board of Supervisors
Belle Haven
Community Development District

Dear Board Members:

The regular meeting of the Board of Supervisors of **Belle Haven Community Development District** will be held on **Thursday, September 15, 2022 at 2:30 PM at 1115 Aloha Blvd., Davenport, Florida 33897.** Following is the advance agenda for the meeting:

1. Roll Call
2. Public Comment Period
3. Approval of Minutes of the May 19, 2022 Board of Supervisors and Landowners' Meetings
4. Acceptance of Letter Requesting Dissolution
5. Consideration of Resolution 2022-34, Adopting a Plan of Dissolution; Requesting that the Board of County Commissioners of Polk County, Florida, Adopt a Non-Emergency Ordinance to Provide for the Dissolution of the Belle Haven Community Development District
    A. Plan of Dissolution
    B. Dissolution Funding Agreement between the District and Pulte Home Company, LLC
6. Staff Reports
    A. Attorney
    B. Engineer
    C. District Manager's Report
7. Other Business
8. Supervisor's Requests
9. Adjournment

The second order of business of the Board of Supervisors is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items.

The third order of business is approval of the minutes of the May 19, 2022 Board of Supervisors and Landowners' meetings. The minutes are enclosed for your review.

The fourth order of business is the acceptance of the letter requesting dissolution of the District. The letter is enclosed for review.

The fifth order of business if the consideration of resolution 2022-34, adopting a plan of dissolution. A copy of the resolution is enclosed for review. Sub-section A is the consideration of the plan of dissolution. A copy of the plan is enclosed. Sub-section B is the consideration of the dissolution of the funding agreement with Pulte Home Company. The agreement is enclosed for review.

The balance of the agenda will be discussed at the meeting. In the meantime, if you should have any questions, please do not hesitate to contact me.

Sincerely,

George Flint

George S. Flint
District Manager

CC: Tucker Mackie, District Counsel
Darrin Mossing, GMS
Enclosures

MINUTES

MINUTES OF MEETING
BELLE HAVEN
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Belle Haven Community Development District was held on Wednesday, **May 19, 2022** at 2:35 p.m. at 1115 Aloha Blvd., Davenport, Florida.

Present and constituting a quorum were:

Eric Baker	Chairman
Chris Wrenn	Vice Chairman
Mary Burns	Supervisor

Also, present were:

George Flint	District Manager, GMS
Tucker Mackie	District Counsel
Andy Hatton	Field Manager

The following is a summary of the discussions and actions taken at the May 19, 2022 Belle Haven Community Development District's regular Board of Supervisor's Meeting.

FIRST ORDER OF BUSINESS **Roll Call**

Mr. Flint called the meeting to order at 2:35 p.m. Three Supervisors were in attendance at the meeting constituting a quorum.

SECOND ORDER OF BUSINESS **Public Comment Period**

Mr. Flint noted that there were no members of the public present.

THIRD ORDER OF BUSINESS **Organizational Matters**

A. Administration of Oaths of Office Newly Elected Supervisors

Mr. Flint swore in the newly elected Supervisors.

B. Consideration of Resolution 2022-27 Canvassing and Certifying the Results of Landowners' Election

Mr. Flint stated that Mr. Wrenn received 58 votes, Mr. Baker received 58 votes and Ms. Burns, Mr. Payne, and Ms. Turke received 57 votes. Mr. Wrenn and Mr. Baker will serve four-year terms and Ms. Burns, Mr. Payne, and Ms. Turke will serve two-year terms.

> On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, Resolution 2022-27 Canvassing and Certifying the Results of Landowners' Election, was approved.

C. Election of Officers

Mr. Flint stated that each time there is an election, the statutes require that the Board consider officers.

D. Consideration of Resolution 2022-28 Electing Officers

Mr. Flint reviewed the resolution and stated that currently Mr. Baker is the Chairman, and Mr. Wrenn is Vice Chairman, and the other three Board members are Assistant Secretaries. Mr. Flint is also an Assistant Secretary and Ms. Jill Burns is Treasurer. The Board elected to keep the same officers.

> On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, Resolution 2022-28 Electing Officers with Mr. Baker as Chair, Mr. Wrenn as Vice Chair, Mr. Payne, Ms. Turke, and Ms. Mary Burns as Assistant Secretaries, and GMS staff of George Flint as Secretary, and Jill Burns as Treasurer, was approved.

FOURTH ORDER OF BUSINESS **Approval of Minutes of the March 30, 2022 Meeting**

Mr. Flint presented the minutes from the March 30, 2022 Board of Supervisors meeting and asked for comments or corrections to those minutes. The Board had no changes.

> On MOTION by Mr. Baker, seconded by Mr. Wrenn, with all in favor, the Minutes of the March 30, 2022 Board of Supervisors Meeting, was approved.

FIFTH ORDER OF BUSINESS **Ranking of Proposals for District Engineering Services and Selection of District Engineer**

Mr. Flint stated at the organizational meeting the Board authorized staff to issue an RFQ for engineering services. They advertised the RFQ in the Orlando Sentinel and they received one response from Lighthouse Engineering Inc. The proposal was included in the agenda package.

Mr. Flint stated that anytime there are less than three responses to the RFQ that the Board has the ability to reject and reissue the RFQ. After Board discussion, they made the unanimous decision to reject and reissue the RFQ.

> On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, the Rejection and Reissuance of the RFQ for District Engineering Services and Selection of District Engineer, was approved.

SIXTH ORDER OF BUSINESS **Consideration of Resolution 2022-33 Approving the Proposed Fiscal Year 2023 Budget and Setting a Public Hearing**

Mr. Flint reviewed the proposed budget for the Board and offered to answer any questions. He stated that the date of the public hearing was suggested to be August 18, 2022, which was the same day as their regular August meeting.

> On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, Resolution 2022-33 Approving the Proposed Fiscal Year 2023 Budget and Setting a Public Hearing for August 18, 2022 at 2:30 p.m. at the same location, was approved.

SEVENTH ORDER OF BUSINESS **Public Hearings**

Mr. Flint asked for a motion to open the public hearings.

> On MOTION by Mr. Baker, seconded by Mr. Wrenn, with all in favor, Opening the Public Hearing, was approved.

A. Special Assessments

1. Presentation of Engineer's Report

There was not a District Engineer present. Ms. Mackie, District counsel, stated that the purpose of holding the public hearing is to hear public comments on the District's desire to levy the master debt service assessments over the property. She stated that it doesn't mean they will begin assessing for the improvements identified in the Engineer's Report, rather that the assessment will be finalized once they make the determination to issue bonds. She stated that will result in a Supplemental Engineer's Report and Supplemental Assessment Report at that point in time.

There were no members of the public present, but Ms. Mackie reviewed questions that she would typically ask the public for the record. Management confirmed that the lands do receive a special benefit from the improvements identified in the report, and that the costs are equal to or greater than the value than the property itself.

2. Presentation of Assessment Methodology Report

Mr. Flint reviewed the tables in the Assessment Methodology Report for the Board. The Board did not have any questions.

3. Consideration of Resolution 2022-29 Levying Special Assessments

Ms. Mackie asked Mr. Flint if in his opinion, did the land subject to assessments receive special benefits from the District's capital improvement plan, Mr. Flint replied yes. Ms. Mackie also asked if that benefit was reasonably apportioned among the lands receiving such benefit. Mr. Flint replied yes. Ms. Mackie asked if it was reasonable and proper to assess the cost of the CIP against the lands in the District in accordance with the methodology as set forth in the assessment roll. Mr. Flint replied yes. Ms. Mackie asked if the lands would receive a benefit equal to or in excess of the maximum special assessments when allocated. Mr. Flint replied with yes.

Ms. Mackie reviewed Resolution 2022-29 that was included in the agenda package and offered to answer any questions from the Board. There were no members of the public present to provide comment.

On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, Resolution 2022-29 Levying Special Assessments, was approved.

B. Rules of Procedure

i. Consideration of Resolution 2022-30 Adopting the District's Rules of Procedure

Mr. Flint stated that notices for this resolution ran in the paper in accordance with statutes. There were no members of the public present to provide comment or testimony.

Ms. Mackie reviewed the resolution and stated that these rules were provided for the Board at the organizational meeting and they provide for the processes by which the Board will operate not only on a general basis, but with respect to procurement as well. She offered to answer any questions.

> On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, Resolution 2022-30 Adopting the District's Rules of Procedure, was approved.

C. Uniform Method of Collection

i. Consideration of Resolution 2022-31 Expressing the District's Intent to Utilize the Uniform Method of Collection

Mr. Flint stated that this resolution gives the District the ability to collect the debt and O&M Assessments on the tax bill. Mr. Flint also stated that the notices ran in the newspaper in accordance with the statutes.

> On MOTION by Mr. Wrenn, seconded by Ms. Burns, with all in favor, Resolution 2022-31 Expressing the District's Intent to Utilize the Uniform Method of Collection, was approved.

D. Fiscal Year 2021/2022 Budget

i. Consideration of Resolution 2022-32 Adopting the Fiscal Year 2021/2022 Budget and Relating to the Annual Appropriations

Mr. Flint stated that this resolution contains a prorated administrative budget that takes the District through September 30, 2022 and anticipates a developer funding agreement in place to pay those costs. There were no members of the public present to provide comment or testimony.

> On MOTION by Mr. Wrenn, seconded by Mr. Baker, with all in favor, Resolution 2022-32 Adopting the Fiscal Year 2021/2022 Budget and Relating to the Annual Appropriations, was approved.

On MOTION by Mr. Baker, seconded by Mr. Wrenn, with all in favor, Closing the Public Hearing, was approved.

EIGHTH ORDER OF BUSINESS **Staff Reports**

A. Attorney

Ms. Mackie stated that they were able to confirm that the bond validation hearing date will be in early August and it will be a virtual hearing.

B. Engineer

There being none, the next item followed.

C. District Manager's Report

There being none, the next item followed.

NINTH ORDER OF BUSINESS **Other Business**

There being none, the next item followed

TENTH ORDER OF BUSINESS **Supervisor's Requests**

There being none, the next item followed

ELEVENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, the meeting was adjourned.

_____ _____

Secretary/Assistant Secretary Chairman/Vice Chairman

MINUTES OF MEETING
BELLE HAVEN
COMMUNITY DEVELOPMENT DISTRICT

The Landowners' meeting of the Belle Haven Community Development District was held on Wednesday, **May 19, 2022** at 2:30 p.m. at 1115 Aloha Blvd., Davenport, Florida.

Present were:

Eric Baker
Chris Wrenn
Mary Burns
George Flint
Tucker Mackie
Andy Hatton

The following is a summary of the discussions and actions taken at the May 19, 2022 Belle Haven Community Development District's Landowners' Meeting.

FIRST ORDER OF BUSINESS **Determination of Number of Voting Units Represented**

Mr. Flint noted that there were 57.1 acres which authorizes the proxyholder to cast 58 votes. Mr. Wrenn was the proxy holder for the landowner Pulte Home Company, LLC.

SECOND ORDER OF BUSINESS **Call to Order**

Mr. Flint called the meeting to order.

THIRD ORDER OF BUSINESS **Election of Chairman for the Purpose of Conducting Landowners' Meeting**

Mr. Flint was elected as the Chairman in order to conduct the meeting.

FOURTH ORDER OF BUSINESS **Nominations for the Positions of Supervisors (5)**

Mr. Wrenn nominated Chris Wrenn, Eric Baker, Serena Turke, Mary Burns, and Quinton Payne as Supervisors.

FIFTH ORDER OF BUSINESS **Casting of Ballots**

Mr. Flint stated that Mr. Wrenn received 58 votes, Mr. Baker received 58 votes, Ms. Turke received 57 votes, Ms. Burns received 57 votes, and Mr. Payne received 57 votes.

SIXTH ORDER OF BUSINESS **Tabulation of Ballots and Announcement of Results**

Mr. Flint stated that Mr. Wrenn and Mr. Baker will serve 4-year terms and Ms. Turke, Ms. Burns, and Mr. Payne will serve 2-year terms.

SEVENTH ORDER OF BUSINESS **Adjournment**

Mr. Flint adjourned the Landowners' meeting.

SECTION IV

August 22nd, 2022

Board of Supervisors
Belle Haven Community Development District
c/o George Flint, District Manager
Governmental Management Services – Central Florida, LLC
219 East Livingston Street
Orlando, Florida 32801

Dear Board of Supervisors:

Pulte Home Company, LLC ("Pulte"), is the majority land owner of the property located within the Belle Haven Community Development District (the "District"). Although the District was initially established to construct and/or acquire certain infrastructure improvements (the "Improvements) and to operate and maintain such Improvements, Pulte has determined that it is more advantageous to the development needs and the needs of the current and future landowners within the District to finance further infrastructure improvements through conventional methods and to allow a property owners' association or other entity to operate and maintain such improvements. With this in mind, there will not be any infrastructure improvements constructed by or conveyed to the District and the District will be left without any improvements to fund, construct, acquire, operate or maintain.

Accordingly, Pulte respectfully requests that the Board of Supervisors proceed with dissolving the District; inasmuch as the dissolution of the District is in the best interest of all concerned; and furthermore Pulte does hereby consent to the same.

Thank you for your consideration of this request.

Sincerely,

Pulte Home Company, LLC
a Michigan limited liability company

By: _____
Name: Christopher Wrenn
Title: Vice President of Land Development

SECTION V

RESOLUTION 2022-34

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT ADOPTING A PLAN OF DISSOLUTION; REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, ADOPT A NON-EMERGENCY ORDINANCE TO PROVIDE FOR THE DISSOLUTION OF THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT; DIRECTING THE DISTRICT MANAGER AND DISTRICT COUNSEL TO TAKE APPROPRIATE ACTION TO DISSOLVE THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT IN ACCORD WITH THE NON-EMERGENCY ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, AND THE PLAN OF DISSOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Belle Haven Community Development District (the "District") was established by Ordinance No. 2022-010 of the Board of County Commissioners of Polk County, Florida, pursuant to Chapter 190, *Florida Statutes*, and

WHEREAS, the District is located wholly within the boundaries of Polk County, Florida (the "County"); and

WHEREAS, Pulte Home Company, LLC, is the landholder of 100% of the lands within the District and the primary developer of lands within the District ("the Developer"); and

WHEREAS, the District has not taken any actions regarding planned community development services to the lands located within the District and has not levied any debt special assessments against the assessable real property located within the District for the purposes of funding any planned community development services; and

WHEREAS, the District has received a written request from the Developer to dissolve the District; and

WHEREAS, the District has received the written consent to the dissolution of the District from the Developer; and

WHEREAS, the District's Board of Supervisors has determined that based upon information provided to it by the Developer, that the planned community development services to

be provided to the lands within the boundaries of the District may be provided by the Developer in a manner as efficiently as the District and at a level of quality equal to the level of quality to be delivered to the users of those services by the District, at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the District; and

WHEREAS, the District's termination will not harm or otherwise injure any interests of the Developer, nor harm nor otherwise injure any interests of any other party within or without the District; and

WHEREAS, the District's Board of Supervisors finds that it is in the best interest of the District and the current and future landowners with the District that the District be dissolved and that the planned community development services be provided by the Developer, its successors or assigns or by other means; and

WHEREAS, the District has prepared a Plan of Dissolution attached hereto as **Exhibit A** that provides for the orderly dissolution of the District and for the final dispensation of all records, financial accounts, and contracts; and

WHEREAS, in anticipation of the dissolution, the District desires to enter into a Dissolution Funding Agreement substantially in the form attached hereto as **Exhibit B** whereby the Developer agrees, among other things, to directly fund any costs associated with the dissolution; and

WHEREAS, the District's Board of Supervisors desires that the County adopt a non-emergency ordinance to provide for the dissolution of the District in accord with Subsection 190.046(10), *Florida Statutes*.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. INCORPORATION OF RECITALS. All of the above representations, findings, and determinations contained within the Recitals of this Resolution are recognized as true and accurate and are expressly incorporated into this Resolution.

SECTION 2. APPROVAL OF PLAN OF DISSOLUTION. The District hereby approves the Plan of Dissolution substantially in the form attached to this Resolution as Exhibit A. The District's Chairman, in consultation with District Counsel and the District Manager, is hereby authorized to approve modifications to the Plan of Dissolution prior to the effective date of any ordinance of the County dissolving the District.

SECTION 3. APPROVAL OF DISSOLUTION FUNDING AGREEMENT. The District hereby authorizes and approves the Dissolution Funding Agreement substantially in the form attached to this Resolution as Exhibit B, subject to such reasonable changes as may be necessary and decided upon by the District Manager and District Counsel, after consultation with

the District Chairperson, to affect the intent of this Resolution, which approval shall be conclusively evidenced by the execution thereof. The Chairperson or Vice Chairperson is hereby authorized to execute and the Secretary or any Assistant Secretary is authorized to attest such Dissolution Funding Agreement.

SECTION 4. REQUEST FOR ACTION. The District hereby requests that the County adopt a non-emergency ordinance to provide for the termination of the District in accord with Subsection 190.046(10), *Florida Statutes*.

SECTION 5. DIRECTION TO DISTRICT MANAGER AND DISTRICT COUNSEL. The District Manager and District Counsel are hereby directed to take the appropriate actions to transmit this Resolution to the County. Upon the adoption of a non-emergency ordinance by the County, the District Manager and District Counsel are further directed to proceed with the necessary steps as outlined in the Plan of Dissolution to effectuate an orderly termination of the District.

SECTION 6. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon the passage and adoption of this Resolution by the Board of Supervisors of the Belle Haven Community Development District.

PASSED AND ADOPTED this 15th day of September, 2022.

ATTEST:

BOARD OF SUPERVISORS OF THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT

_____
Geroge Flint, Secretary

_____
Eric Baker, Chairperson

Exhibit A: Plan of Dissolution
Exhibit B: Dissolution Funding Agreement

EXHIBIT A

Plan of Dissolution

EXHIBIT B

Dissolution Funding Agreement

SECTION A

Exhibit A

PLAN OF DISSOLUTION FOR THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT

1. PURPOSE. The purpose of this Plan of Dissolution is to provide a plan for the orderly dissolution of the Belle Haven Community Development District (the "District").

2. CONSTRUCTION. This Plan of Dissolution shall be construed liberally to accomplish the smooth and orderly dissolution of the District.

3. AUTHORITY. Section 190.046(10), *Florida Statutes*, provides that if a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon petition of the district, the district may be dissolved by a non-emergency ordinance of the local governmental entity that established the district.

4. SERVICES. The District is currently managed by a contract administrator and has no employees. Counsel has been retained by the District to provide legal services to the District. The District currently does not provide any community development services to the owners of lands within the boundaries of the District. The District Manager and District Counsel are responsible for filing any final reports or other documents on behalf of the District that are required by law, and for performing any and all other actions on behalf of the District within thirty (30) days after the effective dissolution of the District. Prior to submitting the resolution requesting dissolution to the Board of County Commissioners of Polk County, Florida (the "County"), the District shall utilize existing funds on account to pay all outstanding District expenses, including among others invoices from the District Manager and District Counsel, and including invoices sufficient to cover the expenses associated with the dissolution process.

5. ASSETS AND LIABILITIES. The District has no real property, infrastructure or other assets and has no debt or maintenance responsibilities.

6. CONTRACTUAL OBLIGATIONS OF THE DISTRICT.

A. All contractual obligations shall be addressed as follows:

(1) The District's agreement with the firm of Kutak Rock LLP, to serve as District Counsel shall terminate upon the effective dissolution of the District. The District Manager will obtain an appropriate release from Kutak Rock LLP.

(2) The District's agreement with the firm of Governmental Management Services – Central Florida, LLC to serve as District Manager shall terminate upon the effective dissolution of the District. The District Manager will obtain an appropriate release from Governmental Management Services – Central Florida, LLC.

(3) All other agreements of the District shall expire and be void upon the effective dissolution of the District.

7. NOTICE OF DISSOLUTION. District Counsel shall file a Notice of Dissolution of the Belle Haven Community Development District in the public records of Polk County, Florida. A copy of the Ordinance passed by the County dissolving the District shall be transmitted to the Florida Department of Economic Opportunity pursuant to Section 189.016, *Florida Statutes*.

8. MODIFICATION OF THE PLAN OF DISSOLUTION. The District may modify this Plan of Dissolution by Resolution prior to the effective date of any ordinance of the County dissolving the District.

9. OFFICIAL DISTRICT RECORDS. All official records of the District shall be transferred to the Florida Secretary of State by the District Manager. However, such a transfer of official District records shall not occur as long as the District has an obligation, under any law, to keep and maintain any such official District record. If any official record of the District cannot be transferred prior to the dissolution of the District, then the failure by the District Manager to transfer such a record shall not cause this Plan of Dissolution not to be completed within the time permitted. Any such record shall be transferred by the District Manager to the Florida Secretary of State as soon as is practicable after the dissolution of the District, in accord with this Plan of Dissolution.

10. OPERATION OF THIS PLAN OF DISSOLUTION. This Plan of Dissolution shall become effective upon adoption of a Resolution by the District's Board of Supervisors approving this Plan of Dissolution. After complying with the terms of this Plan of Dissolution, the District will be dissolved without any further action.

SECTION B

DISSOLUTION FUNDING AGREEMENT BETWEEN THE BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT AND PULTE HOME COMPANY, LLC

This **DISSOLUTION FUNDING AGREEMENT** ("Agreement") is made and entered into this 15th day of September, 2022, by and between:

> **BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT,** a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, and located in Polk County, Florida (the "District"), and
>
> **PULTE HOME COMPANY, LLC,** a Michigan limited liability company and a landowner of 100% of the lands within the District and the primary developer of the lands within the District (the "Developer").

RECITALS

WHEREAS, the District is a local unit of special-purpose government established, pursuant to the Uniform Community Development Act of 1980, as codified in Chapter 190, *Florida Statutes*, by ordinance of the Board of County Commissioners in and for Polk County, Florida; and

WHEREAS, the District is currently not providing any infrastructure systems, facilities, and services to the lands within the District; and

WHEREAS, based on representations from and request of the Developer, the District's Board of Supervisors ("Board") has determined that it is in the best interests of the District that the District be dissolved; and

WHEREAS, subject to the final payment of all outstanding financial obligations of the District, the proposed dissolution is authorized by Subsection 190.046(10), *Florida Statutes*; and

WHEREAS, the District's Board has directed the District Manager and District Counsel, upon final payment of all outstanding financial obligations of the District, to petition the County to dissolve the District in accordance with the procedures and processes described in Chapter 190, *Florida Statutes*, which processes include the preparation of a petition to the County, in accordance with Subsection 190.046(10), *Florida Statutes*, and such other actions as are necessary in furtherance of the dissolution process; and

WHEREAS, in order to seek a dissolution pursuant to Chapter 190, *Florida Statutes*, District Staff, including but not limited to legal and managerial staff, must provide certain services necessary to the dissolution process; and

WHEREAS, any such work shall only be performed as necessary to seek the dissolution of the District and in accordance with the delegated authority of pursuant to Resolution 2022-34; and

WHEREAS, the Developer desires to pay for any such expenditures including, but not limited to, legal and other consultant fees, filing fees, administrative, and other expenses, if any, incurred to date by the District as well as through completion of the dissolution process.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. RECITALS. Above recitals so stated are true and correct and by this reference are incorporated herein and form a material part of this Agreement.

2. PROVISION OF FUNDS. The Developer agrees to pay such monies as are necessary to enable the District to proceed with the dissolution of the District and to pay such monies as are necessary to enable District Staff, including legal and managerial staff, to assist in the operation and dissolution process and proceedings. The Developer will pay such funds within fifteen (15) days of a written request by the respective District Staff directly to the requesting party. The Developer may be required to prepay certain fees and expenses, if the District is required to do so under any of the District's agreements with District Staff.

3. DISTRICT USE OF FUNDS. Any funds provided under this Agreement shall be used solely for the fees, costs, and other expenditures accruing or accrued by the District with respect to its ongoing operations and the actions necessary for the orderly dissolution of the District in accord with Chapter 190, *Florida Statutes*. Upon final payment of all presently outstanding financial obligations of the District, the District agrees to use good faith and best efforts to proceed in an expeditious manner with the preparation and filing of the petition and related materials to seek the dissolution of the District pursuant to Chapter 190, *Florida Statutes*, and with the prosecution of the procedural requirements detailed in Chapter 190, *Florida Statutes*, for the dissolution of the District.

4. DEFAULT. A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which may include, but not be limited to, the right of damages, injunctive relief and/or specific performance.

5. ENFORCEMENT OF AGREEMENT. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, the substantially prevailing party shall be entitled to recover all fees and costs incurred, including reasonable attorneys' fees and paralegal fees, costs for trial, alternative dispute resolution, or appellate proceedings, all as may be incurred in court, out of court, or otherwise.

6. AGREEMENT. This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement.

7. AMENDMENTS; ASSIGNMENT. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto. Neither party may assign this Agreement or any monies to become due hereunder without the prior written approval of the other party. Any purported assignment without such written approval shall be void.

8. NOTICES. All notices, requests, consents and other communications under this Agreement ("Notices") shall be in writing and shall be delivered, mailed by First Class Mail, postage prepaid, or overnight delivery service, to the parties, as follows:

If to Developer:	Pulte Home Company, LLC 4901 Vineland Road, Suite 500 Orlando, Florida 32811
If to District:	Belle Haven Community Development District 219 East Livingston Street Orlando, Florida 32801
With a copy to:	Kutak Rock LLP 107 West College Avenue Tallahassee, Florida 32301

Except as otherwise provided in this Agreement, any Notice shall be deemed received only upon actual delivery at the address set forth in this Agreement. Notices delivered after 5:00 p.m. (at the place of delivery) or on a non-business day, shall be deemed received on the next business day. If any time for giving Notice contained in this Agreement would otherwise expire on a non-business day, the Notice period shall be extended to the next succeeding business day. Saturdays, Sundays and legal holidays recognized by the United States government shall not be regarded as business days. Counsel for the parties may deliver Notice on behalf of the parties. Any party or other person to whom Notices are to be sent or copied may notify the other parties and addressees of any change in name or address to which Notices shall be sent by providing the same on five (5) days written notice to the parties and addressees set forth in this Agreement.

9. THIRD PARTY BENEFICIARIES. The purpose of this Agreement is to provide the necessary funding for the District, and for those third parties acting on behalf of the District, with respect to its ongoing operations and the actions necessary for the orderly dissolution of the District. It is intended that this Agreement shall inure to the benefit of those parties listed in the Plan of Dissolution, attached hereto as **Exhibit 1**, including but not limited to the District Staff. ("Third Parties"), which Plan of Dissolution is attached hereto and incorporated herein by reference. Further, the Developer recognizes that the Third Parties may maintain a right or cause of action by reason hereof. All of the provisions, representations, covenants and conditions contained in this Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective representatives, successors, and assigns. Nothing herein shall be construed to require the District to commence any cause of action on behalf of any Third Party.

10. CONTROLLING LAW. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida. Each party consents that the exclusive venue for any dispute arising out of or related to this Agreement shall be in a court of appropriate jurisdiction, in and for Polk County, Florida.

11. EFFECTIVE DATE. The Agreement shall be effective after execution by both parties to this Agreement and shall remain in effect unless terminated in writing by both parties or until the effective dissolution of the District in accordance with the Plan of Dissolution.

12. PUBLIC RECORDS. Developer understands and agrees that all documents of any kind provided to the District or to District Staff in connection with the work contemplated under this Agreement may be public records and will be treated as such in accordance with Florida law.

13. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be an original; however, all such counterparts together shall constitute but one and the same instrument. Signature and acknowledgment pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document.

IN WITNESS WHEREOF, the parties execute this Agreement on the day and year first written above.

ATTEST:	**BELLE HAVEN COMMUNITY DEVELOPMENT DISTRICT**
_____	_____
Secretary	Chairperson, Board of Supervisors
WITNESS:	**PULTE HOME COMPANY, LLC**
_____	_____
[Print Name] _____	By: _____
	Its: _____

EXHIBIT 1: Plan of Dissolution