



**MONTEREY CONGRESS  
COMMUNITY DEVELOPMENT  
DISTRICT**

**PALM BEACH COUNTY  
REGULAR BOARD MEETING  
MARCH 14, 2017  
5:00 P.M.**

Special District Services, Inc.  
The Oaks Center  
2501A Burns Road  
Palm Beach Gardens, FL 33410

[www.montereycongresscdd.org](http://www.montereycongresscdd.org)

561.630.4922 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile

**AGENDA**  
**MONTEREY CONGRESS**  
**COMMUNITY DEVELOPMENT DISTRICT**  
100 Lake Monterey Circle  
Boynton Beach, Florida 33426  
**Regular BOARD MEETING**  
February 14, 2017  
5:00 p.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Consider Appointment to Vacancy
- D. Establish Quorum
- E. Additions or Deletions to Agenda
- F. Comments from the Public for Items Not on the Agenda
- G. Approval of Minutes
  - 1. February 14, 2017 Regular Board Meeting.....Page 2
- H. Old Business
- I. New Business
  - 1. Consider Resolution No. 2017-01 – Adopting a Fiscal Year 2017/2018 Proposed Budget.....Page 6
  - 2. Consider Resolution No. 2017-02 – Electronic Approval Process and Authorized Signatories.....Page 13
  - 3. Consider Approval of Landscaping Easement.....Page 14
- J. Administrative Matters
- K. Board Members Comments
- L. Adjourn

# The Palm Beach Post

Palm Beach Daily News



## MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2016/2017 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Monterey/CongressCommunity Development District has the Fiscal Year 2016/2017 Regular Meeting Schedule to reflect that meetings will be held in the Sales Office of The Oaks located at 9554 Clint Moore Road, Boca Raton, Florida 33496 at 4:00 p.m. on the following dates:

- October 11, 2016
- November 15, 2016
- December 13, 2016
- January 10, 2017
- February 14, 2017
- March 14, 2017
- April 11, 2017
- May 9, 2017
- June 13, 2017
- July 11, 2017
- August 8, 2017
- September 12, 2017

The purpose of the meetings is to conduct any and all business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free at 1-877-737-4922 five (5) days prior to the date of the particular meeting.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meeting may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (561) 630-4922 and/or toll-free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

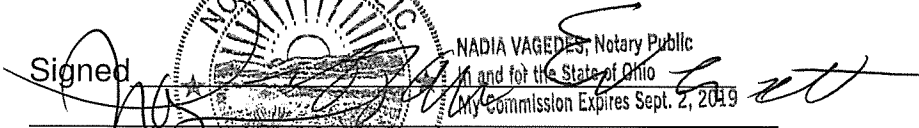
Meetings may be cancelled from time to time without advertised notice.

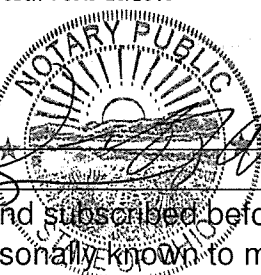
## MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT

www.montereycongresscdd.org  
PUB: The Palm Beach Post 9-26/2016  
#653642

MONTEREY CONGRESS CDD PROOF OF PUBLICATION STATE OF FLORIDA COUNTY OF PALM BEACH Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 09/26/2016 and last date of Publication 09/26/2016 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties. MONTEREY CONGRESS CDD Ad ID: 1272597 Ad Cost: 278.64

Signed





NADIA VAGEDES, Notary Public  
in and for the State of Ohio  
My Commission Expires Sept. 2, 2019

Sworn to and subscribed before 09/28/2016.  
Who is personally known to me.

MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
FEBRUARY 14, 2017

**A. CALL TO ORDER**

District Manager Jason Pierman called the February 14, 2017, Regular Board Meeting of the Monterey/Congress Community Development District to order at 5:14 p.m. at 100 Lake Monterey Circle, Boynton Beach, Florida 33426.

**B. PROOF OF PUBLICATION**

Mr. Pierman presented proof of publication that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on February 6, 2017, as legally required.

**C. CONSIDER APPOINTMENT OF BOARD MEMBERS**

Mr. Pierman explained that, because there is only one Board Member, the only business that could be conducted would be to appoint new Board Members. A **motion** was made by Ms. Rosa, as the remaining Board Member, to appoint Betty Clark to the unexpired Seat 1, which expires in November 2020.

Mr. Pierman, a Notary for the State of Florida, administered the Oath of Office to Ms. Clark, and explained the role and responsibilities as a Board Member.

A second **motion** was made by Ms. Clark, seconded by Ms. Rosa, and unanimously passed to appoint Diana Puentes to the unexpired Seat 2, which expires in November 2020.

Mr. Pierman, a Notary for the State of Florida, administered the Oath of Office to Ms. Puentes, and explained the role and responsibilities as a Board Member.

A third **motion** was made by Ms. Puentes, seconded by Ms. Rosa, and unanimously passed to appoint Willie Ford to the unexpired Seat 3, which expires in November 2018.

Mr. Pierman, a Notary for the State of Florida, administered the Oath of Office to Mr. Ford, and explained the role and responsibilities as a Board Member.

A **motion** was then made by Mr. Ford, seconded by Ms. Rosa, and unanimously passed to ratify the actions that were taken by the Board prior to a full quorum being established.

**D. ADMINISTER OATH OF OFFICE, AS REQUIRED, AND REVIEW BOARD MEMBER RESPONSIBILITIES**

Please see above actions taken.

**E. ESTABLISH A QUORUM**

MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
FEBRUARY 14, 2017

Mr. Pierman determined that the attendance of Chairperson Cheli Rosa and Supervisor Betty Clark, Diana Puentes and Willie Ford constituted a quorum and it was in order to proceed with the meeting.

Staff in attendance were District Manager Jason Pierman of Special District Services, Inc.; and General Counsel Scott Cochran of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

**F. ELECTION OF OFFICERS**

Mr. Pierman explained that, at this time, it was necessary to elect officers of the District. Following a brief discussion, a **motion** was made by Mr. Ford, seconded by Ms. Rosa, and unanimously passed to elect the following slate of officers:

Chairperson:	Cheli Rosa
Vice Chairman:	Willie Ford
Secretary/Treasurer:	Jason Pierman
Assistant Secretary:	Betty Clark
Assistant Secretary:	Diana Puentes

**G. ADDITIONS OR DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

**H. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

There were no comments from the public for items not on the agenda.

**I. APPROVAL OF MINUTES**

**1. November 15, 2016, Regular Board Meeting**

Mr. Pierman presented the minutes of November 15, 2016, Regular Board Meeting and asked if there were any changes. There being none, a **motion** was made by Mr. Ford, seconded by Ms. Rosa and passed unanimously to approve the minutes of the November 15, 2016, Regular Board Meeting, as presented.

**J. OLD BUSINESS**

There were no Old Business items to come before the Board.

**K. NEW BUSINESS**

**1. Consider Revising Fiscal Year 2016/2017 Meeting Schedule**

MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
FEBRUARY 14, 2017

A **motion** was made by Mr. Ford, seconded by Ms. Rosa and passed unanimously to revise the Fiscal Year 2016/2017 Meeting Schedule to reflect that meetings will be held at 5:00 p.m. at 100 Lake Monterey Circle, Boynton Beach, Florida 33426, as presented. Upon being put to a vote, the **motion** carried unanimously.

**2. Discussion Regarding District Beautification**

Ms. Rosa explained and showed on a map, where the landscaping would be installed and presented the Board with the proposal that was obtained by the HOA. Discussion ensued regarding the District's ability to fund the landscape project, due to its location. Following discussion, a **motion** was made by Mr. Ford, seconded by Ms. Rosa, and unanimously passed to approve a not-to-exceed amount of \$6,000 for landscape beautification, pending legal review.

**L. ADMINISTRATIVE MATTERS**

Mr. Pierman noted that the next meeting would be held on March 14, 2017, at which time the Board would consider the 2017/18 Proposed Budget.

**M. BOARD MEMBER COMMENTS**

Ms. Clark asked about the possibility of installing a turn lane into the community. Mr. Pierman explained that the District could send a request to FDOT, but that requests like that require studies, which can take time. Mr. Pierman offered to review the area and contact FDOT.

**N. ADJOURNMENT**

There being no further business to come before the Board, a **motion** was made by Ms. Rosa, seconded by Mr. Ford and unanimously passed to adjourn the Regular Board Meeting at 5:54 p.m.

MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
FEBRUARY 14, 2017

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Secretary/Assistant Secretary

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Chair/Vice-Chair

**RESOLUTION NO. 2017-01**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MONTEREY CONGRESS COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2017/2018; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors (“Board”) of the Monterey Congress Community Development District (“District”) is required by Chapter 190.008, *Florida Statutes*, to approve a Proposed Budget for each fiscal year; and,

**WHEREAS**, the Proposed Budget including the Assessments for Fiscal Year 2017/2018 has been prepared and considered by the Board.

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

**Section 1.** The Proposed Budget including the Assessments for Fiscal Year 2017/2018 attached hereto as Exhibit “A” is approved and adopted.

**Section 2.** A Public Hearing is hereby scheduled for \_\_\_\_\_, 2017 at 4:00 p.m. in the Sales Office, 9554 Clint Moore Road, Boca Raton, Florida 33496, for the purpose of receiving public comments on the Proposed Fiscal Year 2017/2018 Budget.

**PASSED, ADOPTED and EFFECTIVE** this 14<sup>th</sup> day of March, 2017.

**ATTEST:**

**MONTEREY CONGRESS  
COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairman/Vice Chairman



Monterey/Congress  
Community Development District

**Proposed Budget For  
Fiscal Year 2017/2018  
October 1, 2017 - September 30, 2018**

# **CONTENTS**

- I PROPOSED BUDGET**
- II DETAILED PROPOSED BUDGET**
- III DETAILED PROPOSED DEBT SERVICE FUND BUDGET**
- IV ASSESSMENT COMPARISON**

**PROPOSED BUDGET**  
**MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2017/2018**  
**OCTOBER 1, 2017 - SEPTEMBER 30, 2018**

	<b>FISCAL YEAR 2017/2018 BUDGET</b>
<b>REVENUES</b>	
O & M Assessments	73,370
Debt Assessments	286,397
Other Revenues	0
Interest Income	180
<b>TOTAL REVENUES</b>	<b>\$ 359,947</b>
<b>EXPENDITURES</b>	
Supervisor Fees	6,000
Payroll Taxes (Employer)	480
Engineering/Inspections	3,000
Management	19,668
Secretarial	3,000
Legal	7,000
Assessment Roll	3,000
Audit Fees	3,100
Insurance	6,356
Legal Advertisements	1,300
Miscellaneous	750
Postage	250
Office Supplies	450
Dues & Subscriptions	175
Trustee Fee	3,800
Continuing Disclosure Fee	1,000
Website Management	1,500
Reserve	8,320
<b>TOTAL EXPENDITURES</b>	<b>\$ 69,149</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 290,798</b>
Bond Payments	(269,213)
<b>BALANCE</b>	<b>\$ 21,585</b>
County Appraiser & Tax Collector Fee	(7,195)
Discounts For Early Payments	(14,390)
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>
Carryover From Prior Year	0
<b>NET EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>

**DETAILED PROPOSED BUDGET**  
**MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2017/2018**  
**OCTOBER 1, 2017 - SEPTEMBER 30, 2018**

	FISCAL YEAR 2015/2016 ACTUAL	FISCAL YEAR 2016/2017 BUDGET	FISCAL YEAR 2017/2018 BUDGET	COMMENTS
<b>REVENUES</b>				
O & M Assessments	71,528	71,397	73,370	Expenditures Less Interest & Carryover/.94
Debt Assessments	288,429	288,368	286,397	Bond Payments/.94
Other Revenues	0	0	0	
Interest Income	192	180	180	Interest Projected At \$15 Per Month
<b>TOTAL REVENUES</b>	<b>\$ 360,149</b>	<b>\$ 359,945</b>	<b>\$ 359,947</b>	
<b>EXPENDITURES</b>				
Supervisor Fees	1,800	6,000	6,000	Supervisor Fees
Payroll Taxes (Employer)	138	480	480	Projected At 8% Of Supervisor Fees
Engineering/Inspections	1,000	3,500	3,000	\$500 Decrease From 2016/2017 Budget
Management	19,140	19,272	19,668	CPI Adjustment
Secretarial	3,000	3,000	3,000	No Change From 2016/2017 Budget
Legal	6,477	7,000	7,000	No Change From 2016/2017 Budget
Assessment Roll	3,000	3,000	3,000	No Change From 2016/2017 Budget
Audit Fees	3,000	3,000	3,100	\$100 Increase From 2016/2017 Budget
Insurance	5,665	6,373	6,356	Insurance Company Estimate
Legal Advertisements	1,679	1,300	1,300	No Change From 2016/2017 Budget
Miscellaneous	380	750	750	No Change From 2016/2017 Budget
Postage	85	250	250	No Change From 2016/2017 Budget
Office Supplies	234	450	450	No Change From 2016/2017 Budget
Dues & Subscriptions	175	175	175	No Change From 2016/2017 Budget
Trustee Fee	3,717	3,800	3,800	No Change From 2016/2017 Budget
Continuing Disclosure Fee	1,000	1,000	1,000	No Change From 2016/2017 Budget
Website Management	1,500	1,500	1,500	No Change From 2016/2017 Budget
Reserve	0	6,444	8,320	Reserve
<b>TOTAL EXPENDITURES</b>	<b>\$ 51,990</b>	<b>\$ 67,294</b>	<b>\$ 69,149</b>	
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 308,159</b>	<b>\$ 292,651</b>	<b>\$ 290,798</b>	
Bond Payments	(272,488)	(271,066)	(269,213)	2018 P & I Payments Less Earned Interest
<b>BALANCE</b>	<b>\$ 35,671</b>	<b>\$ 21,585</b>	<b>\$ 21,585</b>	
County Appraiser & Tax Collector Fee	(1,622)	(7,195)	(7,195)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	(13,069)	(14,390)	(14,390)	Four Percent Of Total Assessment Roll
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ 20,980</b>	<b>\$ -</b>	<b>\$ -</b>	
Carryover From Prior Year	0	0	0	Carryover From Prior Years
<b>NET EXCESS/ (SHORTFALL)</b>	<b>\$ 20,980</b>	<b>\$ -</b>	<b>\$ -</b>	

**DETAILED PROPOSED DEBT SERVICE BUDGET**  
**MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2017/2018**  
**OCTOBER 1, 2017 - SEPTEMBER 30, 2018**

	FISCAL YEAR 2015/2016 ACTUAL	FISCAL YEAR 2016/2017 BUDGET	FISCAL YEAR 2017/2018 BUDGET	COMMENTS
<b>REVENUES</b>				
Interest Income	25	100	100	Projected Interest For 2017/2018
NAV Tax Collection	272,488	271,066	269,213	2018 P & I Payments Less Earned Interest
<b>Total Revenues</b>	<b>\$ 272,513</b>	<b>\$ 271,166</b>	<b>\$ 269,313</b>	
<b>EXPENDITURES</b>				
Principal Payments	90,000	95,000	100,000	Principal Payment Due In 2018
Interest Payments	183,556	176,166	169,313	Interest Payments Due In 2018
<b>Total Expenditures</b>	<b>\$ 273,556</b>	<b>\$ 271,166</b>	<b>\$ 269,313</b>	
<b>Excess/ (Shortfall)</b>	<b>\$ (1,043)</b>	<b>\$ -</b>	<b>\$ -</b>	

**Series 2005 Bond Information**

Original Par Amount =	\$4,045,000	Annual Principal Payments Due =	May 1st
Interest Rate =	5.375%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	October 2005		
Maturity Date =	May 2036		

## Monterey/Congress Community Development District Assessment Comparison

	Original Projected Assessment*	Fiscal Year 2014/2015 Assessment*	Fiscal Year 2015/2016 Assessment*	Fiscal Year 2016/2017 Assessment*	Fiscal Year 2017/2018 Projected Assessment*
O & M	\$ 212.77	\$ 239.85	\$ 238.27	\$ 237.99	\$ 244.56
<u>Debt</u>	<u>\$ 973.37</u>	<u>\$ 959.37</u>	<u>\$ 960.95</u>	<u>\$ 961.23</u>	<u>\$ 954.66</u>
Total	<b>\$ 1,186.14</b>	<b>\$ 1,199.22</b>	<b>\$ 1,199.22</b>	<b>\$ 1,199.22</b>	<b>\$ 1,199.22</b>

\* Assessments Include the Following :

4% Discount for Early Payments

1% County Tax Collector Fee

1% County Property Appraiser Fee

Community Information:

Total Units 300

**RESOLUTION NO. 2017-02**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MONTEREY CONGRESS COMMUNITY DEVELOPMENT DISTRICT, AUTHORIZING THE ESTABLISHMENT OF A DISTRICT CHECKING/OPERATING ACCOUNT, DESIGNATING DISTRICT OFFICIALS AND/OR AUTHORIZED STAFF TO REVIEW, APPROVE AND ISSUE PAYMENT OF EXPENDITURES, SELECTING THE SIGNATORIES THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Monterey Congress Community Development District ("District") has established a District checking/operating account in order for the District to expend public funds of the District as authorized and required; and

**WHEREAS**, the Board of Supervisors (the "Board") of the District shall designate authorized staff and/or District officials to approve expenditures, via electronic or non-electronic approval processes, from the checking/operating account;

**WHEREAS**, the Board of the District has selected Todd Wodraska, Jason Pierman, Patricia LasCasas, Lennart Lindahl and \_\_\_\_\_ to serve as the signatories, as required, on the District checking/operating account; and

**WHEREAS**, all resolutions or parts thereof of the District in conflict with the provisions contained herein are to the extent of any such conflict, hereby superseded and repealed.

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

**Section 1.** The above recitals are hereby adopted.

**Section 2.** Each expenditure from the checking/operating account will require a minimum of two (2) approvals and a designated member of the Board, by an electronic approval procedure, will have an opportunity to review the District's expenditure(s) prior to release of payment(s).

**Section 3.** When necessary to write checks, the signatures of two (2) of the designated signatories named herein will be required on all District checks tendered from the District checking/operating account, as approved.

**PASSED, ADOPTED and becomes EFFECTIVE** this 14<sup>th</sup> day of March, 2017.

**ATTEST:**

**MONTEREY CONGRESS  
COMMUNITY DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson

This instrument prepared by:

Michael J. Pawelczyk, Esq.  
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.  
SunTrust Center, Sixth Floor  
515 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301

FOLIO NO.: 08-43-46-05-17-001-0000

**LANDSCAPE EASEMENT**

This Landscape Easement (the "Easement") made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between **MONTEREY COMMUNITY ASSOCIATION, INC.** ("GRANTOR") whose address is c/o Castle Group, 12270 SW 3<sup>rd</sup> Street, Suite 200, Plantation, Florida 33325 and the **MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government established pursuant to Chapter 190, Florida Statutes, whose address is Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410 ("GRANTEE" or "DISTRICT");

**WITNESSETH:**

**WHEREAS**, GRANTOR is the owner of that certain parcel of real property located more particularly described as follows:

TRACT "A" of the MONTEREY BAY, A PUD, as recorded at Plat Book 104, Page 82-88 of the Public Records of Palm Beach County, Florida (hereinafter referred to as the "Property"); and

**WHEREAS**, the GRANTOR desires to grant and the DISTRICT desires to accept a landscape easement over a portion of GRANTOR's Property at the entrance to the community and adjacent to Congress Avenue (the "Easement Area") to allow the DISTRICT to improve and maintain said Easement Area with landscaping material for the benefit of the landowners and residents of the District; and

**WHEREAS**, GRANTOR is willing to grant such Easement upon and subject to the terms and conditions hereof.



**NOW, THEREFORE**, in consideration of the mutual promises contained herein and Ten and no/100 Dollars (\$1.00) and other good and valuable considerations, the receipt, sufficiency, and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. The aforesaid recitals are true and correct and are incorporated herein.
2. The GRANTOR hereby grants and conveys to the DISTRICT a non-exclusive perpetual easement over the Easement Area to DISTRICT authorizing and permitting the DISTRICT, to install, repair and replace landscape improvements, including, but not limited to, trees, bushes, flowers, plantings, sod, ground cover, and irrigation systems appurtenant thereto (the "Improvements"). The Easement shall be in, over, under, on, and within a portion of the Property, referred to herein as the Easement Area, as more particularly described in Exhibit A. The Easement further grants DISTRICT the right to remove and properly dispose of any materials, including but not limited to fencing and landscaping materials, located within the Easement Area and which interfere with the DISTRICT's installation, repair, replacement, and maintenance of the Improvements.
3. DISTRICT shall have the authority to modify, change, add to, or remove any Improvements within the Easement Area, provided such action is not inconsistent with the intent of this Easement for the DISTRICT to maintain and have control over the Easement Area for landscaping and irrigation purposes.
4. DISTRICT shall be responsible for all necessary and required maintenance to the Improvements installed by the DISTRICT within the Easement Area. Notwithstanding, nothing herein shall prohibit the DISTRICT from entering into a maintenance agreement with the Monterey Community Association, Inc. providing that the maintenance will be provided by said Association.
5. This Easement may be terminated in whole or in part by the DISTRICT or its successors upon executing and recording a Release of Easement. This Easement may be amended as to land area, but only effected by a written amendment to this Easement executed by the GRANTOR and the DISTRICT, or their successors and assigns.
6. Each of GRANTOR and DISTRICT does hereby warrant that this instrument has been duly and properly executed.
7. Nothing herein shall be interpreted or construed to grant, give or convey to GRANTOR any property right or interest in the Improvements installed and maintained by DISTRICT.
8. In the event of any litigation arising out of or in connection with this Easement the prevailing party shall be entitled to recover court costs and reasonable attorney's fees.

9. If any provision in this Easement shall be determined to be invalid by a Court of competent jurisdiction, then such provision or determination shall not affect any other provisions of this Easement, all of which other provisions shall remain in full force and effect.

10. GRANTOR states that this Easement shall be and constitute a covenant running with the land, fully binding upon GRANTOR, its successors and assigns hereof. DISTRICT states that the obligations, covenants and restrictions shall constitute covenants that run with the land, and shall be binding upon all successors and assigns of DISTRICT.

11. DISTRICT shall not commit or suffer to be committed any waste or nuisance upon the Easement Area and shall take such action necessary to terminate any nuisance or waste, except DISTRICT shall not be liable to take such action to terminate any nuisance or waste to the extent an act or omission of GRANTOR is a substantial factor in the causation of such nuisance or waste.

12. This Easement shall be governed by the laws of the State of Florida without giving effect to it conflict of laws principles.

13. Notices from one party to another shall be sent to the party's address provided in the initial paragraph to this easement; provided that any notice by DISTRICT shall be sent to GRANTOR at the address set forth above.

12. This Easement shall be recorded in the Public Records of Palm Beach County, Florida, at DISTRICT's cost and expense.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, this Easemetn has been executed on the date and year written above.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_

\_\_\_\_\_  
Print Name

STATE OF FLORIDA            }  
COUNTY OF PALM BEACH    }

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by \_\_\_\_\_ as \_\_\_\_\_ of the **MONTEREY COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation who is personally known and/or produced \_\_\_\_\_ as identification who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his or her knowledge.

GRANTORS:

**MONTEREY COMMUNITY ASSOCIATION, INC.** a Florida not-for-profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires

WITNESSES:

**MONTEREY/CONGRESS COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_

Print Name

By: \_\_\_\_\_  
Chair/Vice Chair

\_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 2017

Print Name: \_\_\_\_\_

Attest:

STATE OF FLORIDA }  
COUNTY OF PALM BEACH }

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, as Chair/Vice Chair of the Board of Supervisors for **MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT**, who is personally known and/or produced \_\_\_\_\_ as identification who being duly sworn, deposes and says that the afore mentioned is true and correct to the best of his or her knowledge.

\_\_\_\_\_  
Notary Public

My commission expires:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, as Secretary/Assistant Secretary of the Board of Supervisors for **MONTEREY/CONGRESS COMMUNITY DEVELOPMENT DISTRICT**, who is personally known and/or produced \_\_\_\_\_ as identification who being duly sworn, deposes and says that the aforementioned is true and correct to the best of his or her knowledge.

\_\_\_\_\_  
Notary Public

My commission expires:

**EXHIBIT "A"**

**Easement Area**

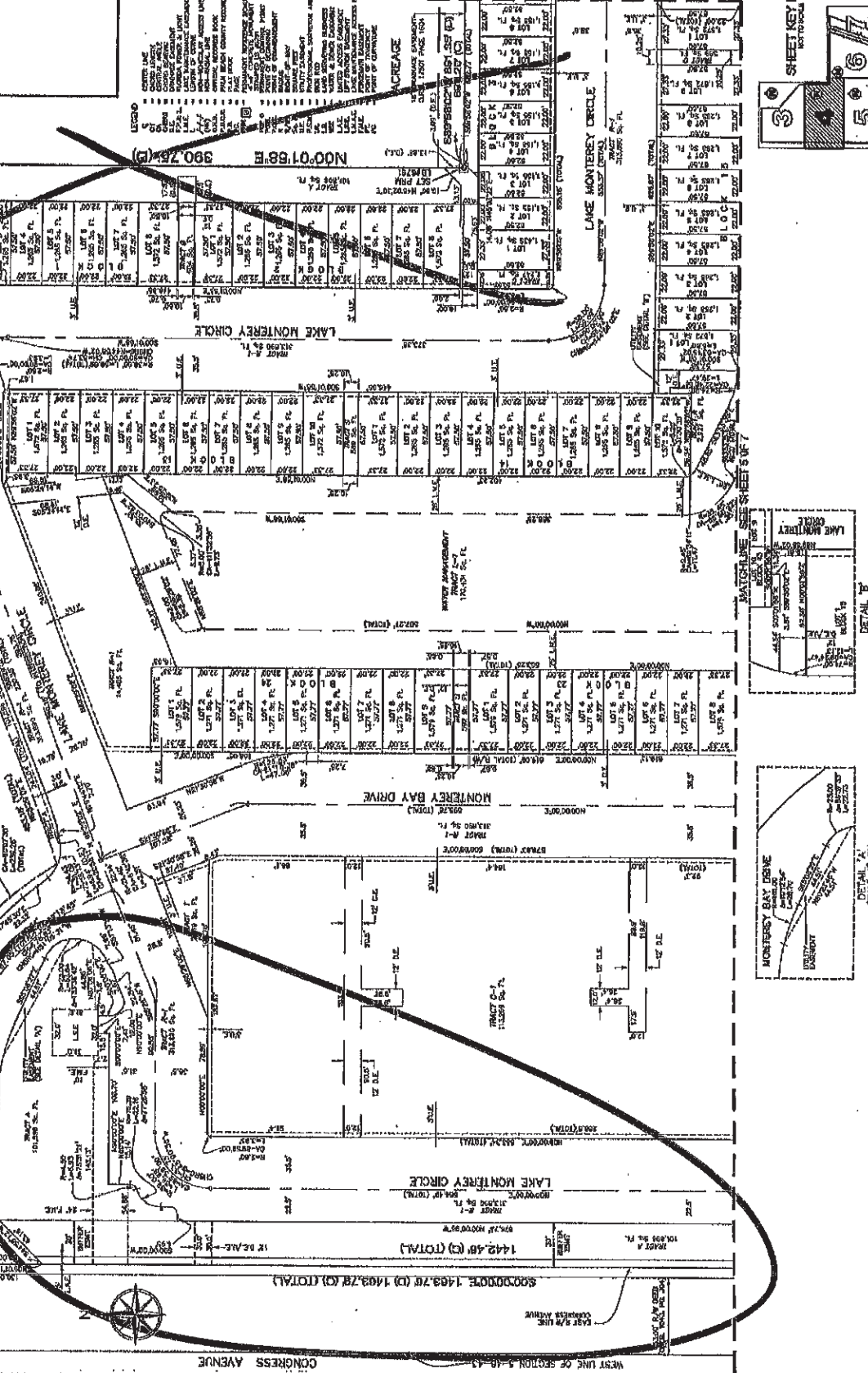
85

This Instrument Prepared By:  
Robert W. Jackson, Jr., P.E.  
Cuba, Jackson & Associates, Inc.  
Engineers Surveyors Planners  
1900 West 31st, Suite 400  
P. Lakewood, Florida 33409  
Phone: (407) 948-1000  
FAX: (407) 948-1001

**MONTEREY BAY, A PUD**  
A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 48 SOUTH, RANGE 43 EAST,  
CITY OF BOYNTON BEACH, PALM BEACH COUNTY, STATE OF FLORIDA  
APRIL 2004  
SHEET 4 OF 7

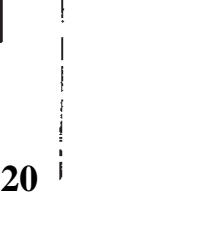
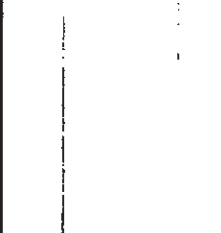
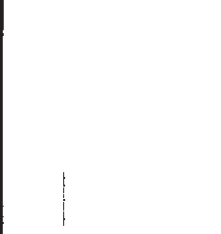
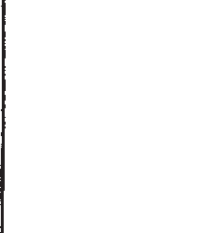
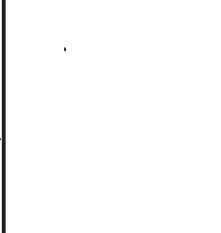
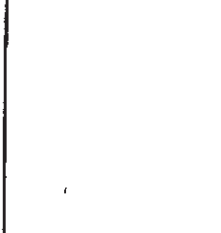
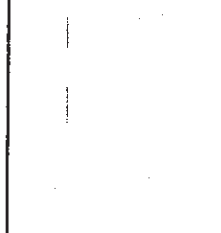
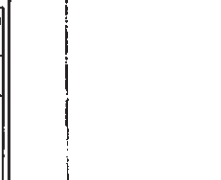
GRAPHIC SCALE  
1" = 100' ±  
1" = 200' ±  
1" = 400' ±

WEST LINE OF SECTION 5 (18-43)  
CONGRESS AVENUE  
EAST 5/8" LINE  
COURTESY ARCHIVE



ACREAGE

LOT #	ACREAGE
LOT 1	0.0000
LOT 2	0.0000
LOT 3	0.0000
LOT 4	0.0000
LOT 5	0.0000
LOT 6	0.0000
LOT 7	0.0000
LOT 8	0.0000
LOT 9	0.0000
LOT 10	0.0000
LOT 11	0.0000
LOT 12	0.0000
LOT 13	0.0000
LOT 14	0.0000
LOT 15	0.0000
LOT 16	0.0000
LOT 17	0.0000
LOT 18	0.0000
LOT 19	0.0000
LOT 20	0.0000
LOT 21	0.0000
LOT 22	0.0000
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LOT 84	0.0000
LOT 85	0.0000
LOT 86	0.0000
LOT 87	0.0000
LOT 88	0.0000
LOT 89	0.0000
LOT 90	0.0000
LOT 91	0.0000
LOT 92	0.0000
LOT 93	0.0000
LOT 94	0.0000
LOT 95	0.0000
LOT 96	0.0000
LOT 97	0.0000
LOT 98	0.0000
LOT 99	0.0000
LOT 100	0.0000



SCALE: 1" = 200'

SCALE: 1" = 400'

SCALE: 1" = 800'

SCALE: 1" = 1600'

