

GOOD EVENING. MY NAME IS BK AND I REPRESENT
SUNIL MENON, A HOMEOWNER AND RESIDENT IN
SIERRA RANCHES.

AS I AM SURE YOU RECALL, LAST MONTH SUNIL AND
APPROXIMATELY 100 OF HIS NEIGHBORS SIGNED A
PETITION URGING THIS BOARD TO REJECT LENNAR'S
PROPOSAL TO RELEASE THE FIDELITY BONDS DUE TO
CURRENT SHALLOWING CONDITIONS.

THIS BOARD WAS THOUGHTFUL ENOUGH TO GIVE SUNIL
AND HIS NEIGHBORS 30 DAYS TO ENGAGE
PROFESSIONALS AND RETURN TO THE BOARD.

THEY DID JUST THAT AND SUNIL AND HIS NEIGHBORS,
USING THEIR OWN FUNDS, HIRED JASON WILSON TO

PERFORM AN ONSITE SURVEY OF THE SIERRA RANCHES WETLANDS AND HIS FINDINGS SPEAK VOLUMES AS TO THE APPROPRIATENES OF LENNAR'S BOND RELEASE REQUEST.

BUT PERHAPS MORE IMPORTANTLY, THERE IS A THRESHOLD ISSUE WHICH WE HAVE DISCOVERED THAT REQUIRES THIS ENTIRE PROCESS, INCLUDING THE AS-BUILT APPROVALS, TO BE PUT ON HOLD.

PRIOR TO THE RELEASE OF ANY BOND, THE DEVELOPER, THROUGH HIS OR HER ENGINEER, SHALL SUBMIT RECORD DRAWINGS TO THE BOARD FOR REVIEW AND APPROVAL.

ACCORDING TO THE CBWCD REGULATIONS, SECTION 6.01.2, AS BUILT DRAWINGS MUST 1) ACCURATELY REFLECT SITE CONDITIONS AND 2) BE NO OLDER THAN 6 MONTHS FROM DATE OF FIELD DATA ACQUISITION.

WHY IS THIS REQUIRED? THAT IS FAIRLY OBVIOUS, BUT THIS REQUIREMENT IS CRUCIAL SO THE BOARD, WHEN BEING ASKED TO APPROVE AS-BUILTS, IS BEING SHOWN AN ACCURATE AND CURRENT (AT LEAST NOT OLDER THAN 6 MONTHS) SNAPSHOT OF THE WETLANDS AREA.

WHAT HAPPENED IN THIS INSTANCE IS THAT THIS BOARD AND THE DISTRICT WERE PRESENTED WITH DATA FROM DECEMBER, 2021 AND INSTEAD OF GIVING THIS BOARD A FRESH AND CURRENT SURVEY SO IT COULD ACCURATELY ASSESS WHETHER TO APPROVE AS-BUILTS

AND RELEASE BONDS, THE BOARD RECEIVED A SURVEY WITH DATA FROM 2021 WITH A FRESH NEW STAMP DATED JULY 25, 2023.

WE DISCOVERED THIS ERROR BECAUSE WE RECEIVED THE ORIGINAL AS-BUILT DRAWINGS, PREPARED BASED UPON A SURVEY IN DECEMBER 1, 2021 FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

I HAVE COPIES FOR YOU SO YOU CAN COMPARE.

BASICALLY, WHAT HAPPENED HERE, IS THAT THIS BOARD WAS PRESENTED WITH THE 2021 SURVEY, WITH DATA FROM 2021. HOWEVER THIS BOARD (unless you were paying close attention) HAD NO WAY OF KNOWING YOU

WERE LOOKING AT OLD DATA. THE 2021 SURVEY WAS
MAGICALLY UPDATED BY ADDING A FRESH 2023 STAMP.

I HAVE COPIES OF THE AS-BUILTS FROM 2021 AND THE
PURPORTED CURRENT 2023 SURVEY. COMPARE THE
TWO. YOU WILL SEE THAT THEY ARE EXACTLY THE SAME.

IF NEEDED

[IF YOU LOOK VERY CLOSELY, YOU WILL SEE NOTE # 5 IN
THE 2023 AS-BUILT SUBMISSION WHICH STATES:

THIS DRAWING REFLECTS OUR FINDINGS AS PER A FIELD
STUDY PERFORMED ON 12/1/2021.]

YOUR AUGUST, 2023 AS-BUILT APPROVAL SHOULD BE
THROWN OUT BECAUSE IT DOES NOT MEET THE
REQUIREMENTS OF YOUR OWN REGULATIONS.

FRANKLY, BASED UPON YOUR PRESCRIBED REGULATIONS, THIS BOARD MUST DEMAND A CURRENT SURVEY PERFORMED WITHIN THE LAST SIX MONTHS BEFORE IT CAN APPROVE OR DISAPPROVE AS-BUILTS.

WHEN YOU DO GET A CURRENT SURVEY, SPOILER ALERT, WE KNOW WHAT IT WILL SHOW, BECAUSE THE SIERRA RANCHES RESIDENTS HAD A SURVEY DONE IN LATE SEPTEMBER. A CURRENT SURVEY WILL SHOW THAT THE OPEN WATER CHANNEL, WHICH IS SUPPOSED TO BE 10 FEET ACCORDING TO YOUR REGULATIONS AND THE APPROVED PLANS, IS NOWHERE NEAR 10 FEET. A PICTURE IS WORTH A THOUSAND WORDS. TAKE A LOOK AT THE PHOTO IN JASON WILSON'S REPORT OF HIS SURVEYOR STANDING IN THE PURPORTED DEEPEST

POINT OF THIS WETLANDS CHANNEL. OUR CLIENTS' CURRENT SURVEY DATA SHOWS THE AVERAGE DEPTH OF THE WATER CHANNEL IS 4 FEET TALL, NOT 10 FEET. AT SOME PONITS, IT IS BARELY OVER 3 FEET. ACCORDING TO THE SURVEY FROM 2021, THIS CHANNEL WAS SEVEN FEET. IN ONLY 2 YEARS, IT HAS SHALLOWED DOWN TO 3 FEET – IMAGINE WHAT IT WILL LOOK LIKE IN ANOTHER 2 YEARS. THAT IS THE CONCERN OF MY CLIENT AND HIS NEIGHBORS. IF THIS WETLANDS HAS SHALLOWED 4 FEET IN LESS THAN 2 YEARS, WITHIN THE NEXT 2 YEARS, THIS WILL BE NOTHING MORE THAN A SHALLOW SWAMPY MUCK, A BREEDING GROUND FOR MOSQUITOES AND IT WILL PROVIDE LITTLE TO NO DEFENSE TO FLOODING AND OUTFLOW. BY THAT POINT, LENNAR WILL BE OUT OF THE

PICTURE AND MY CLIENTS AND HIS NEIGHBORS WILL BE LEFT TO FEND FOR THEMSELVES.

THIS BOARD AND THE TOWN OF DAVIE HAVE ALL THE POWER AS THE BOND BENEFICIARIES. YOU HAVE BEEN PRESENTED WITH EVIDENCE SHOWING THE AS-BUILT APPROVAL WAS FAULTY. YOU WERE GIVEN FALSE AND OUTDATED INFORMATION. A BOND RELEASE WILL HAPPEN, IN YOUR DISCRETION, IN THE FUTURE, WHEN YOU ARE SATISFIED THAT THE DEVELOPER HAS FULLY COMPLIED WITH AND CONSTRUCTED THIS WETLAND IN ACCORDANCE WITH THE REGULATIONS OF THIS DISTRICT AND THE PLANS AND SPECIFICATIONS COVERING SAID WORK. THAT LANGUAGE, BY THE WAY, DESCRIBING WHEN A BOND SHOULD BE RELEASED, COMES FROM

THE CBWCD COMPLETION AGREEMENT SIGNED BY LENNAR HOMES. WE URGE YOU NOT TO RELEASE THE EARTHWORK BOND, NOR THE DRAINAGE BOND UNTIL THIS BOARD IS SATISFIED THAT THE WETLANDS MEET WITH THIS BOARD'S REGULATIONS AND THE PERMITTED PLANS. OF COURSE, THAT CAN ONLY BE DONE WITH A CURRENT AND ACCURATE AS-BUILT SUBMISSION, WHICH SHOULD BE THE NEXT IMMEDIATE STEP.

ON BEHALF OF MY CLIENT, WE URGE THIS BOARD TO REQUIRE THE DEVELOPER TO ENGAGE AN INDEPENDENT SURVEYOR AND TO PROVIDE THIS BOARD AND THE SIERRA RANCHES RESIDENTS WITH THOSE FINDINGS BEFORE WE CONVENE AGAIN.

SHOULD THE BOARD HAVE ANY QUESTIONS FOR OUR ENGINEER, JASON WILSON, HE IS HERE TO PRESENT HIS RECENT SURVEY FINDINGS TO THE BOARD.

AS MUCH AS I WOULD LOVE FOR THIS BOARD TO HEAR FROM JASON WILSON, IN MY VIEW, THE NEXT APPROPRIATE STEP IS FOR THIS BOARD TO REQUIRE LENNAR TO OBTAIN A CURRENT SURVEY TO SHOW THE CURRENT FIELD DATA AND THEN RETURN TO THIS BOARD AND GIVE YOU THE OPPORTUNITY TO MAKE AN INFORMED DECISION ABOUT WHETHER THE AS-BUILTS SHOULD BE APPROVED. THEN, AND ONLY AFTER THAT OCCURS, WE SHOULD RECONVENE TO DISCUSS HOW MUCH OF THE BONDS SHOULD BE RELEASED AND UPON WHAT CONDITIONS.

BY THE WAY, WE ARE NOT ASKING FOR LENIENCY, NOT ASKING FOR DISCRETION, NOT ASKING FOR THE BENEFIT OF THE DOUBT, ALL THAT WE ARE ASKING FOR IS FOR THIS BOARD TO PLAINLY ENFORCE ITS OWN RULES AND BE PRESENTED WITH A CURRENT SURVEY PERFORMED WITHIN THE LAST 6 MONTHS BEFORE IT CONSIDERS ANY BOND RELEASE.