

SEAWALL REPAIRS ADVISORY

Mirabay, there is a new beginning! The new seawall is about to be installed. The Harbor Bay Community Development District (the “District”) entered into a contract with Florida Structural Group, Inc. (“FSG”) in July 2019, then borrowed the money it needed for the work in August 2019. Between August 2019 and February 2020, the District had to wait for FSG to obtain payment and performance bonds for the project. Ultimately, FSG could not obtain the bonds on its own, so it began a collaboration with Earth Tech Enterprises, Inc. (“Earth Tech”). The District consented to FSG’s assignment of the contract to Earth Tech at the February 20th board meeting. The following week, Earth Tech obtained and recorded the required bonds. This allows payments from the money the District borrowed to be released to Earth Tech as it performs the work.

The District ordered the first shipment of sheet pile the first week of March. The sheet pile is made to order and since the project requires a large quantity, it will be delivered in a series of shipments, which have already started to arrive. Once the initial coordination is complete with the first group of residents, Earth Tech will begin the work. Earth Tech and the District anticipate that the work for Section I will begin between April 6th and 13th along the stretch of seawall between 528 Islebay Drive and 544 Islebay Drive. Earth Tech will continue to work west through the canal system. Assuming there are no materials shipment or subcontractor delays caused by COVID-19, a second crew will also begin work on the north side of the canal system in the undeveloped lots and then work through the canal system simultaneously with the first crew.

Earth Tech will begin installing new seawall very soon. Although the project will take approximately 19 months to complete, not all lots will be worked on at the same time. You can expect a personal visit from an Earth Tech representative approximately two weeks before the seawall is worked upon in your backyard. This will allow you to be prepared and ask any questions you may have. The District thanks you for your patience while we worked to get this done.

While you wait to be notified by Earth Tech, the District and Earth Tech need your help **now** on two very important issues to ensure a successful project.

1. Please identify a future temporary home for your vessels today.

Earth Tech will not begin its scheduled work on your stretch of seawall until you have removed your vessel from your dock, because it does not want to risk damaging your vessel during construction.

It is therefore critical that you identify a future temporary home for your vessel now, so that you are ready to immediately relocate the vessel when Earth Tech notifies you (about two weeks before) that work is about to begin on your seawall. You will only need to temporarily relocate your vessel for the approximately four to six-week period that your seawall is actually under construction. When construction is complete, you will be able to return your vessel to your dock.

Please make arrangements with a friend today or consult the Yellow Pages or search online for temporary storage options in the Tampa Bay area. Additionally, if you live out-of-town or plan to be out-of-town for an extended period of time during the seawall reconstruction,

we strongly recommend that you make arrangements with a local person or a vessel storage company immediately.

- 2. If you have power and water utilities connected to your dock and want to have Earth Tech reconnect them through the new seawall, you must fill out and submit a Utilities Connection Application and associated License Agreement to the District before work begins.**

Some residents have asked questions about the Utilities Connection Application and associated License Agreement mailed to you on March 9th.

Background. If you have power and water utilities connected to your dock, but your seawall has not yet been repaired, you are probably using an unlicensed utility pass-through that you either installed yourself or inherited from a prior homeowner.

Problem. Unlicensed utility pass-throughs can be a problem because they can impact the proper functioning of the District's seawall. They also violate the District's property rights to own, operate, and maintain the seawall. Accordingly, when Earth Tech repairs your stretch of seawall, it will install new seawall that will eliminate any existing utility pass-throughs. Moving forward all utility pass-throughs must be licensed and approved by the District to ensure that they are installed correctly without damaging the integrity or function of the seawall.

Solution. At the time it repairs your stretch of seawall, if you desire, Earth Tech can also re-connect power and water utilities to your dock – at no cost to you – using approved utility pass-throughs, so long as you first obtain the proper permissions to do so from the District. That is the purpose of the Utilities Connection Application and associated License Agreement mailed to you on March 9th. If signed by both the homeowner and the District, the License Agreement gives the homeowner (and future homeowners) legal permission to re-connect utilities through the District's seawall and seawall easement.

What if I don't want Earth Tech to re-connect my utilities? That's easy – do nothing. Earth Tech will not re-connect your utilities unless a properly executed License Agreement is on file with the District when it comes to do the seawall repair at your home. If you change your mind in the future, you will be responsible for all costs associated with re-connecting your utilities (which can be significant), and you will still need to get legal permission from the District to re-connect utilities to your dock. Please refer to Section 10 and Exhibit "E" to the District's *Rule Regarding District Waterways and Boating Facilities* for details.

How does filling out the Utilities Connection Application and signing the License Agreement impact my legal rights? If you have legal questions regarding the Utilities Connection Application and the associated License Agreement, the District recommends you consult a lawyer.

Still have questions? Please contact District Manager Patricia Thibault at (321) 263-0132 x 4205.