

ORDINANCE NO. 26-26 fka ORDINANCE NO. 16-43

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; DISSOLVING AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SUBSECTION 190.046(10), FLORIDA STATUTES; REPEALING SECTION 2-8-63 OF THE MANATEE COUNTY CODE OF ORDINANCES; PROVIDING FOR RELIANCE UPON REPRESENTATIONS; SPECIFYING INTENT; PROVIDING FOR CODIFICATION; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, the Manatee County Board of County Commissioners (Board) adopted Ordinance No. 16-43 on September 13th, 2016, establishing Aqua By The Bay Community Development District ("District"); and

WHEREAS, Ordinance No. 16-43 is codified as Section 2-8-63 of the Manatee County Code of Ordinances; and

WHEREAS, on April 24th, 2025, the Board of Supervisors of the District adopted Resolution No. 2025-01 authorizing the District Manager and District Attorney to file with the County a petition to dissolve and terminate the District; and

WHEREAS, the Chairman of the District Board of Supervisors has signed and the District Manager has submitted to the County a Petition dated December 3rd, 2025 ("Petition"), requesting an ordinance terminating and dissolving Aqua By The Bay Community Development District pursuant to Subsection 190.046(10), Florida Statutes; and

WHEREAS, Subsection 190.046(10), Florida Statutes, provides that if a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the County; and

WHEREAS, the Petition represents to the County that the District has no outstanding financial obligation and no operating or maintenance responsibilities; and

WHEREAS, in adopting this Ordinance, the Board has relied upon the representations made in the Petition and other documents attached hereto as exhibits; and

WHEREAS, the Board has conducted a public hearing on this Ordinance in accordance with the requirements and procedures of Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Legislative findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Subsection 190.046(10), Florida Statutes, Section 125.66, Florida Statutes, and other applicable provisions of law governing county ordinances.

Section 3. Dissolution. Aqua By The Bay Community Development District, as established by Ordinance No. 16-43, is hereby dissolved.

Section 4. Repeal of Section 2-8-63 of Manatee County Code of Ordinances. Section 2-8-63 of the Manatee County Code of Ordinances, entitled "Aqua By The Bay Community Development District," is hereby repealed in its entirety.

Section 5. Reliance upon representations. The dissolution of the District is specifically based upon the representation made in the following documents:

- a. Petition to dissolve Aqua By The Bay Community Development District requesting the Manatee County Board of County Commissioners to adopt an ordinance terminating and dissolving the District pursuant to Subsection 190.046(10), Florida Statutes, dated December 3, 2025, signed by R. David Jackson, Esq., an authorized representative of the District, attached hereto as Amended Petition By The Aqua By The Bay Community Development District Requesting That The Manatee County Board of County Commissioners Approve An Ordinance Dissolving The District Pursuant To Section 190.046(10), Florida Statutes; and attached hereto as Exhibit "1" (the "Petition"); and
- b. Affidavit of District Manager, dated August 12, 2025, executed by Venessa Ripoll, on behalf of PFM Group Consulting, LLC, as the District Manager of the District, affirming that the District does not presently have any financial obligations and does not have any operating or maintenance responsibilities, and attached to the Petition as Exhibit "B"; and
- c. Affidavit, dated January 13, 2026, signed by Carlos Beruff, as Manager of Long Bar GP, LLC, a foreign limited liability company and general partner of Long Bar Pointe, LLLP, the owners of all lands within the District, affirming understanding and acknowledgement that the Board of Supervisors for the Aqua By The Bay Community Development District has petitioned for the dissolution of the District, is attached hereto as Exhibit "2".

Section 6. No obligations of county. It is the intent of the Board to not assume any expenses whatsoever for capital financing, construction, installation, operation or maintenance of any facilities or services of the District.

Section 7. Codification. Pursuant to Section 125.68(1), Florida Statutes, the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 4 of this Ordinance as provided herein, and shall not codify any other sections not designated for codification.

Section 8. Repeal of conflicting ordinances. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance, including but not limited to Ordinance No. 16-43, are hereby repealed.

Section 9. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 10. Effective date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 4th day of June, 2026.



**BOARD OF COUNTY COMMISSIONERS
OF
MANATEE COUNTY, FLORIDA**

By: [Signature]
Chairperson

**ATTEST: ANGELINA COLLONNESO, CLERK
OF THE CIRCUIT COURT AND COMPTROLLER**

By: [Signature]
Deputy Clerk

EXHIBIT 1 - PETITION TO DISSOLVE

**AMENDED PETITION BY
THE AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT
REQUESTING THAT THE MANATEE COUNTY BOARD OF COUNTY
COMMISSIONERS APPROVE AN ORDINANCE DISSOLVING THE DISTRICT
PURSUANT TO SECTION 190.046(10), FLORIDA STATUTES**

Petitioner, the Aqua By The Bay Community Development District (hereinafter referred to as the “District”), hereby petitions the Manatee County Board of County Commissioners to enact an ordinance dissolving the District pursuant to Chapter 190.046(10), Florida Statutes. In support of this Amended Petition (the “Petition”), the Petitioner states:

1. Establishment. The District is a local unit of special-purpose government organized and existing in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended, and created by Manatee County Ordinance No. 16-43 adopted by the Manatee County Board of County Commissioners on September 13, 2016. The land within the District is included within Manatee County Parcel Identification Nos. 6147110419, 6147110569, and 6147132609, and contains approximately 17.55 acres. A general location map of the District is attached to this Petition as **Exhibit “A.”**

2. Authority. Section 190.046(10), Florida Statutes, provides that “(i)f a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the general-purpose local governmental entity that established the district...”

3. The District does not presently have any outstanding financial obligations and does not have any operating or maintenance responsibilities. Additionally, the District does not own any real property or infrastructure improvements; the District has no outstanding bonds, notes or other debt instruments. The District’s manager, Venessa Ripoll, has completed an affidavit certifying to these and other facts, which is attached to this Petition as **Exhibit “B.”**

4. The District currently has one landowner - Long Bar Pointe, LLLP (the "Landowner"), who is the owner of Manatee County Parcel Identification Nos. 6147110419, 6147110569, 6147132609, 6147132759, 6147132109, 6147132509, 6147132409, 6147132209, 6147135109, 6147134709, 6147134759, 6147134809, and 6147134859.

5. Upon review of the status of the District, the Landowner requested that the District undergo a dissolution in order to allow the Landowner to finance its infrastructure improvements through other methods including, but not necessarily limited to, another community development district. In addition, the Landowner believes it would be beneficial to allow for another entity, including a property owners' association or another community development district, to operate and maintain such improvements.

6. The District's Board of Supervisors (the "Board") met on April 24, 2025, at a duly noticed public meeting to consider the Landowner's request. The Board determined that, as an organizational matter, the District does not anticipate providing any future planned community development district services or improvements or providing any financing for the same.

7. Accordingly, on April 24, 2025, the Board adopted Resolution 2025-01, which, among other things, authorized a Plan of Dissolution that allows for the orderly dissolution of the District, and which directed the District Manager and District Counsel to submit Resolution 2025-01 and this Petition to the Manatee County Board of County Commissioners. A copy of Resolution 2025-01 is attached to this Petition as **Exhibit "C,"** and a copy of the Plan of Dissolution is attached as Exhibit "A" to Resolution 2025-01. Further, other than the initial clearing and grading activities, roadway construction, and installation of the water and wastewater lines, none of the other improvements listed under Exhibits 6 and 8 of the original Petition to Establish the Aqua By The Bay Community Development District have been completed at this time. Accordingly, the District does not have any outstanding financial obligations, operating responsibilities, or maintenance responsibilities.

8. As part of Resolution 2025-01, the Board determined that it is in the best interests of the District and the owner of the lands located within the District that the District be dissolved and that the planned community development services to be provided to the lands within the District may be provided by and through the Landowner as efficiently as the District, at a level of quality equal to the level of quality to be delivered to the users of those services by the District, and at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the District.

9. Any expenses associated with this dissolution of the District or the continued administrative operation of the District during the pendency of this dissolution are being funded by the Landowner. As such, all outstanding obligations of the District have or will be paid.

10. Accordingly, the District has complied with all conditions precedent of the Plan of Dissolution as evidenced by this Petition and the exhibits attached hereto.

11. Official District Records. Upon dissolution of the District, and pursuant to the Plan of Dissolution, the District will cause all official records of the District to be transferred to the Florida Secretary of State in accordance with Florida Public records laws.

12. Notice of Dissolution. Upon the dissolution of the District, and pursuant to the Plan of Dissolution, the District will cause notice of the dissolution to be transmitted to the Florida Department of Economic Opportunity and will further cause a Notice of Dissolution to be recorded in the Official Records of Manatee County, Florida.

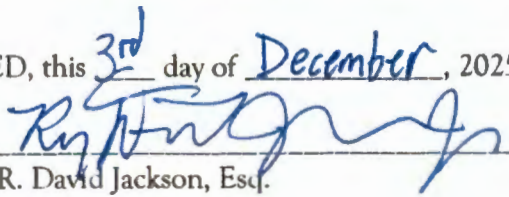
13. District's Representative. Pursuant to Resolution 2025-01 of the District, Persson, Cohen, Mooney, Fernandez & Jackson, P.A., as District Counsel, has been authorized to represent the District with respect to this Petition. A notarized attorney's certification is attached to this Petition as **Exhibit "D."**

Copies of all correspondence and official notices should be sent to:

R. David Jackson, Esq.
djackson@flgovlaw.com
Persson, Cohen, Mooney, Fernandez & Jackson, P.A.
6853 Energy Court
Lakewood Ranch, FL 34240

WHEREFORE, since the District has no outstanding financial obligations and no operating or maintenance responsibilities, and, accordingly, has met the requirements for dissolution as provided for under Section 190.046(10), Florida Statutes, and for the other reasons herein stated, the Petitioner respectfully requests that the Manatee County Board of County Commissioners grant this Petition and adopt a nonemergency ordinance to dissolve the District.

RESPECTFULLY SUBMITTED, this 3rd day of December, 2025.



R. David Jackson, Esq.
Florida Bar Member
Florida Bar No. 185515
djackson@flgovlaw.com
Persson, Cohen, Mooney, Fernandez & Jackson, P.A.
6853 Energy Court
Lakewood Ranch, Florida 34240
(941) 244-5351
Attorney for Petitioner

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3rd day of December, 2025, by R. David Jackson, who is personally known to me or has produced _____ as identification.



Print Name: Florence Wiener
Notary Public, State of Florida



Florence Wiener
Comm.: HH 272694
Expires: July 10, 2026
Notary Public - State of Florida

EXHIBIT "A"

EXHIBIT A
AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT
METES AND BOUNDS LEGAL DESCRIPTION

SHEET 1 OF 2 SHEETS

LEGAL DESCRIPTION: (AS PREPARED BY THE CERTIFYING SURVEYOR AND MAPPER)

A PARCEL OF LAND LYING IN SECTIONS 17 AND 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE ALONG THE SOUTH LINE OF SAID SECTION 17, SOUTH 89°24'10" EAST, 617.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 55°48'17" EAST 4.82 FEET; THENCE SOUTH 23°42'10" EAST 10.17 FEET; THENCE CONTINUE SOUTH 23°42'10" EAST 7.28 FEET; THENCE SOUTH 29°27'13" EAST 50.84 FEET; THENCE SOUTH 30°52'47" EAST 49.23 FEET; THENCE SOUTH 48°33'12" EAST 24.04 FEET; THENCE SOUTH 17°37'38" EAST 19.22 FEET; THENCE SOUTH 29°59'10" EAST 41.80 FEET; THENCE SOUTH 48°44'33" EAST 44.92 FEET; THENCE SOUTH 42°33'17" EAST 26.31 FEET; THENCE SOUTH 63°45'20" EAST 32.83 FEET; THENCE SOUTH 48°25'18" EAST 82.41 FEET; THENCE SOUTH 60°41'17" EAST 47.90 FEET; THENCE CONTINUE SOUTH 60°41'17" EAST 12.03 FEET; THENCE SOUTH 49°54'26" EAST 35.90 FEET; THENCE SOUTH 43°47'45" EAST 27.53 FEET; THENCE CONTINUE SOUTH 43°47'45" EAST 4.87 FEET; THENCE CONTINUE SOUTH 43°47'45" EAST 21.43 FEET; THENCE SOUTH 40°20'40" EAST 132.80 FEET; THENCE SOUTH 40°38'05" EAST 129.03 FEET; THENCE SOUTH 38°12'22" EAST 136.98 FEET; THENCE SOUTH 38°39'35" EAST 102.27 FEET; THENCE SOUTH 34°29'24" EAST 110.37 FEET; THENCE SOUTH 35°32'11" EAST 55.70 FEET; THENCE SOUTH 37°57'33" EAST 70.72 FEET; THENCE SOUTH 43°49'47" EAST 50.38 FEET; THENCE CONTINUE SOUTH 43°49'47" EAST 12.48 FEET; THENCE SOUTH 67°08'26" EAST 28.69 FEET; THENCE SOUTH 76°53'02" EAST 118.35 FEET; THENCE SOUTH 75°17'45" EAST 76.61 FEET; THENCE NORTH 77°50'51" EAST 72.04 FEET; THENCE NORTH 15°13'31" EAST 88.08 FEET; THENCE NORTH 21°05'14" EAST 98.07 FEET; THENCE NORTH 16°42'46" EAST 110.41 FEET; THENCE SOUTH 64°20'04" EAST 3.53 FEET; THENCE SOUTH 19°44'50" EAST 9.81 FEET; THENCE NORTH 22°39'47" EAST 15.30 FEET; THENCE NORTH 49°36'51" WEST 313.53 FEET; THENCE CONTINUE NORTH 49°36'51" WEST 710.89 FEET TO A POINT OF CURVATURE OF A 322.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°54'52" AN ARC DISTANCE OF 263.66 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°53'17" AN ARC DISTANCE OF 37.91 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°35'16" WEST 240.20 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°58'45" AN ARC DISTANCE OF 16.57 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE WESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 165°57'30" AN ARC DISTANCE OF 173.79 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°58'45" AN ARC DISTANCE OF 16.57 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°24'44" EAST 288.40 FEET TO A POINT OF CURVATURE OF A 158.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°01'35" AN ARC DISTANCE OF 137.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 49°36'51" WEST 117.75 FEET TO A POINT OF CURVATURE OF A 150.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°44'29" AN ARC DISTANCE OF 111.90 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°38'40" WEST 33.89 FEET; THENCE NORTH 02°21'20" WEST 84.00 FEET; THENCE SOUTH 87°38'40" WEST 24.88 FEET; THENCE SOUTH 40°23'09" WEST 307.78 FEET; THENCE SOUTH 37°52'30" EAST 21.96 FEET; THENCE SOUTH 40°30'55" EAST 82.80 FEET; THENCE SOUTH 33°18'38" EAST 72.71 FEET; THENCE SOUTH 30°36'23" EAST 71.61 FEET; THENCE SOUTH 29°32'20" EAST 119.73 FEET; THENCE SOUTH 34°52'31" EAST 69.83 FEET; THENCE SOUTH 36°44'26" EAST 76.81 FEET; THENCE SOUTH 50°00'47" EAST 35.12 FEET; THENCE SOUTH 60°48'09" EAST 33.81 FEET; THENCE SOUTH 49°53'57" EAST 43.12 FEET; THENCE SOUTH 41°58'14" EAST 35.04 FEET; THENCE SOUTH 37°34'07" EAST 42.71 FEET; THENCE SOUTH 20°40'45" EAST 37.86 FEET; THENCE SOUTH 34°54'32" EAST 26.85 FEET; THENCE SOUTH 64°08'27" EAST 21.37 FEET; THENCE SOUTH 69°12'28" EAST 22.32 FEET; THENCE SOUTH 85°48'15" EAST 22.70 FEET; THENCE SOUTH 55°48'17" EAST 17.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.552 ACRES MORE OR LESS.

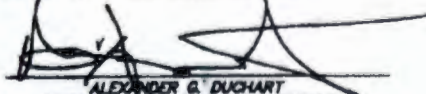
SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE RELATIVE TO THE STATE PLANE COORDINATE SYSTEM (FLORIDA WEST ZONE, 1983 / 90 DATUM), DERIVED FROM THE SOUTH RIGHT OF WAY LINE OF EL CONQUISTADOR PARKWAY, HAVING A BEARING OF 548°38'58"E.
2. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

SURVEYOR'S CERTIFICATE:

I, the undersigned Professional Land Surveyor, hereby certify that the sketch map(s) and metes and bounds description(s) as set forth in Exhibit "AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT METES AND BOUNDS LEGAL DESCRIPTION" of the Petition for the establishment of AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT (Community Development - District) are true and correct, were made under my direction and meets the minimum technical standard requirements of Chapter 5J-17 of the Florida Administrative Code as of the following date.

Date of Certification: MARCH 30, 2016


ALEXANDER G. DUCHART
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA REGISTRATION NO. 5898

A. DUCHART LAND SURVEYING, INC.

2403 VERNON AVENUE EAST
 BRADENTON, FL 34208
 aduchart@gmail.com
 1-800-402-8768

- Boundary
- Construction
- Platting
- ALTA
- Topographic

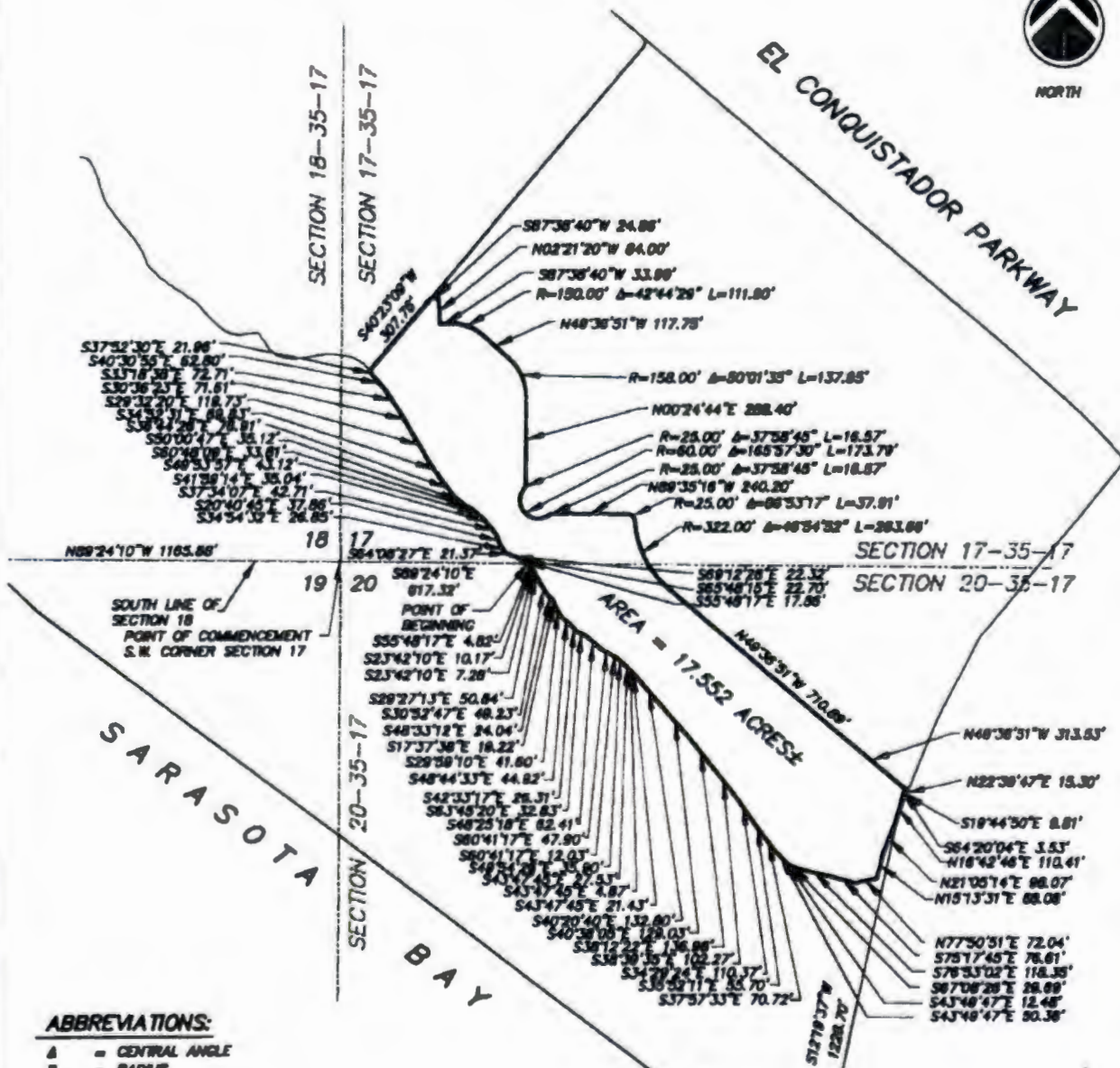
LB-8115

EXHIBIT #
 AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT
 METES AND BOUNDS LEGAL DESCRIPTION

SHEET 2 OF 2 SHEETS



NORTH



ABBREVIATIONS:
 Δ = CENTRAL ANGLE
 R = RADIUS
 L = ARC LENGTH

[Signature]
 UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THE BOUNDARY SURVEY IS FOR INFORMATION ONLY AND IS NOT VALID.

SCALE: 1" = 500'

ADUCHART LAND SURVEYING, INC.
 2403 VERMONT AVENUE EAST
 BRADENTON, FL 34208
 aduchart@gmail.com
 1-800-402-8768

- Boundary
- Construction
- Platting
- ALTA
- Topographic

LB-8115

EXHIBIT "B"

BEFORE THE MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

IN RE: PETITION TO DISSOLVE)
AQUA BY THE BAY COMMUNITY)
DEVELOPMENT DISTRICT)

AFFIDAVIT OF DISTRICT MANAGER

BEFORE ME, the undersigned authority, this day personally appeared Venessa Ripoll, who by me first being duly sworn and deposed says:

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein.
2. I have personal knowledge of the matters set forth in this affidavit.
3. My name is Venessa Ripoll and I am employed by PFM Group Consulting, LLC, and, in the course of that employment, serve as the District Manager for the Aqua By The Bay Community Development District (the "District").
4. I hereby certify that I have reviewed the District's Resolution 2025-01 and the Plan of Dissolution attached thereto, and all of the facts in it are true and correct. Consistent with Section 190.046(10), Florida Statutes, the District does not presently have any outstanding financial obligations, except for the costs to complete this dissolution, and does not have any operating or maintenance responsibilities. Further, the District does not presently own any real property or infrastructure improvements. Moreover, any remaining expenses associated with this dissolution or the continued administrative operation of the District during the pendency of this dissolution are being funded by the sole landowner of the property in the District; therefore, all outstanding obligations have been paid.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 12th day of August, 2025.

Venessa Ripoll

Venessa Ripoll, District Manager
Aqua By The Bay Community Development District

STATE OF FLORIDA
COUNTY OF Sarasota

Acknowledged before me by means of physical presence or online notarization this 12th day of August, 2025, by Venessa Ripoll who is () personally known to me or () has produced _____ as identification.

Florence Wiener

Notary Public, State of Florida

Print Name: _____

Commission No.: _____

My Commission Expires: _____



Florence Wiener
Comm.: HH 272694
Expires: July 10, 2026
Notary Public - State of Florida

EXHIBIT "C"

RESOLUTION 2025-01

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

WHEREAS, the Aqua By The Bay Community Development District (the “District”) was established by Ordinance No. 16-43 of the Board of County Commissioners of Manatee County, Florida, pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the District is located wholly within the boundaries of Manatee County, Florida (the “County”); and

WHEREAS, Long Bar Pointe, L.L.P., is the majority landholder and developer of lands within the District (the “Developer”); and

WHEREAS, the District operations are funded solely by the Developer pursuant to a funding agreement between the District and 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’s Board of Supervisors (the “Board”) 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 or by another community development district 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 has received a written request from the Developer to dissolve the District; and

WHEREAS, the District has received or will obtain the written consent to the dissolution of the District from the Developer; 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 outside of the District; and

WHEREAS, the Board finds that it is in the best interest of the District and the Developer that the District be dissolved and that the planned community development services be provided by the Developer or by another community development district; and

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

WHEREAS, the Board desires that the County adopt a non-emergency ordinance to provide for the dissolution of the District in accordance with Section 190.046(10), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT:

1. **RECITALS.** The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

2. **APPROVAL OF PLAN OF DISSOLUTION.** The District hereby approves the Plan of Dissolution attached to this Resolution as **Exhibit "A."** The District's Chair, 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.

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

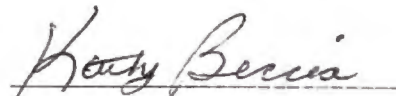
4. **DIRECTION TO DISTRICT MANAGER AND DISTRICT COUNSEL.** The District Manager and District Counsel are hereby directed to take the appropriate actions to transmit this Resolution to the County. Upon the adoption of the non-emergency ordinance by the County, the District Manager and District Counsel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

5. **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.

6. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage and shall supersede any resolutions in conflict therewith.

PASSED AND ADOPTED in public session this 24th day of April, 2025.

ATTEST:


Secretary/Assistant Secretary

BOARD OF SUPERVISORS OF THE
AQUA BY THE BAY COMMUNITY
DEVELOPMENT DISTRICT


Chair/Vice Chair

EXHIBIT A: Plan of Dissolution

EXHIBIT “A”

Plan of Dissolution

PLAN OF DISSOLUTION FOR THE AQUA BY THE BAY COMMUNITY DEVELOPMENT DISTRICT

1. **PURPOSE.** The purpose of this Plan of Dissolution is to provide a plan for the orderly dissolution of the Aqua By The Bay 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 owner 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 Manatee County, Florida (the “County”), the District shall utilize existing funds on account to pay all outstanding District expenses including, but not limited to, 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.**

All contractual obligations of the District shall be addressed as follows:

A. The District's agreement with the firm of Persson, Cohen, Mooney, Fernandez & Jackson, P.A. ("PCMFJ"), to serve as District Counsel shall terminate upon the effective dissolution of the District. The District Manager will obtain an appropriate release from PCMFJ.

B. The District's agreement with the firm of PFM Group Consulting, LLC ("PFM") to serve as District Manager shall terminate upon the effective date of dissolution of the District. The District Manager will obtain an appropriate release from PFM.

C. The District's agreement with Community XS to operate and maintain the District's website shall terminate upon the effective date of dissolution of the District. The District Manager will obtain an appropriate release from Community XS.

D. 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 Aqua By The Bay Community Development District in the public records of Manatee 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 accordance 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 the plan of Dissolution, the District will be dissolved without any further action.

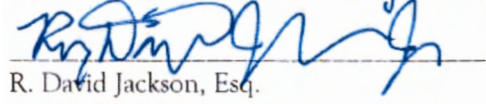
EXHIBIT "D"

**AQUA BY THE BAY
COMMUNITY DEVELOPMENT DISTRICT**

ATTORNEY CERTIFICATION

I, R. David Jackson, attorney at law, hereby affirms and certifies that, to the best of my knowledge and based upon my review and reliance upon information provided to me by the Petitioner as well as other third parties and sources, including the District Manager and Landowner, all of the statements, facts and information contained in the Petition to Dissolve the Aqua By The Bay Community Development District are true and correct; the Petition complies with state law, and in particular the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes, as amended.

Executed this 12th day of August, 2025.



R. David Jackson, Esq.
Florida Bar Member
Florida Bar No. 185515
djackson@flgovlaw.com
Persson, Cohen, Mooney, Fernandez & Jackson, P.A.
6853 Energy Court
Lakewood Ranch, Florida 34240
(941) 244-5351

STATE OF FLORIDA
COUNTY OF Sarasota

Acknowledged before me by means of physical presence or online notarization this 12th day of August, 2025, by R. David Jackson who is: personally known to me or has produced _____ as identification.

Flo Wiener

Notary Public, State of Florida
Print Name: _____
Commission No.: _____
My Commission Expires: _____



Florence Wiener
Comm.: HH 272694
Expires: July 10, 2026
Notary Public - State of Florida

EXHIBIT 2 - LANDOWNER AFFIDAVIT

BEFORE THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

IN RE: PETITION TO DISSOLVE)
AQUA BY THE BAY COMMUNITY)
DEVELOPMENT DISTRICT)

AFFIDAVIT


BEFORE ME, the undersigned authority, this day personally appeared Carlos Beruff, who by me first being duly sworn and deposed says:

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein.
2. I have personal knowledge of the matters set forth in this affidavit.
3. My name is Carlos Beruff and I am the Manager of Long Bar GP LLC, general partner of Long Bar Pointe, LLLP.
4. Long Bar Pointe, LLLP, is the owner of all of the lands that currently lie within the boundary of the Aqua By The Bay Community Development District (the "District"), which was established pursuant to Manatee County Ordinance No. 16-43, and is currently the subject of a petition for dissolution before Manatee County under Section 190.046(10), Florida Statutes.
5. It is my understanding that the District does not presently own any real property or infrastructure improvements and therefore does not have any operating or maintenance responsibilities.
6. Upon the dissolution of the District by Manatee County, in the event it is determined that the District does have any operating or maintenance responsibilities for any infrastructure improvements including, but not limited to, under the plats for the Aqua Lagoon subdivision (Plat Book 68, Pages 187-206) or the Aqua Lagoon Townhomes subdivision (Plat Book 75, Pages 156-161), Long Bar Pointe, LLLP, or its

successors, shall assume such operating and maintenance responsibilities until such time as another community development district is established over said lands, or said responsibilities are assigned to another entity acceptable to Manatee County.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief. The undersigned hereby represents and warrants that he has authority to bind Long Bar GP LLC, a foreign limited liability company, which is the sole general partner of Long Bar Pointe, LLLP, and has further taken all actions and obtained all consents necessary to duly authorize the execution of this affidavit by the officer executing this instrument as of the date indicated below.

Executed this 13th day of January 2026.



Carlos Beruff, Manager of
Long Bar GP LLC, as General Partner of
Long Bar Pointe, LLLP

STATE OF FLORIDA
COUNTY OF Manatee

Acknowledged before me by means of physical presence or online notarization this 13th day of January, 2026, by Carlos Beruff, as Manager, on behalf of Long Bar GP LLC, general partner of Long Bar Pointe, LLLP, who is () personally known to me or () has produced _____ as identification.



Samantha Lynn Griffith
Notary Public, State of Florida
Print Name: Samantha Lynn Griffith
Commission No.: HH 466227
My Commission Expires: 02/13/27



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 4, 2026

Angelina Coloneso
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 26-26, which was filed in this office on June 4, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

From: [Municode Ords Admin](#)
To: [Vicki Tessmer](#)
Subject: Re: Manatee County Ordinances
Date: Monday, June 15, 2026 7:29:05 AM
Attachments: [image002.png](#)
[image003.png](#)

[NOTICE: This message originated outside of Manatee County Clerk's Office -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

We have received your corrected file

Thank you and have a nice day,

Ords Administrator

Municodeords@civicplus.com

1-800-262-2633

P.O. Box 2235

Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

svj (she/her/hers)

Production Support Specialist Supplement Department • CivicPlus

[civicplus.com](#)

Powering and Empowering Local Governments

From: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>
Sent: Wednesday, June 10, 2026 12:18 PM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Subject: FW: Manatee County Ordinances

EXTERNAL EMAIL - Caution: This email originated outside of CivicPlus. Do not click links or open attachments unless you recognize the sender and expected the message.

I sent these previously, the exhibits to the Ordinance are only in the PDF versions.
Thank you,

Vicki Tessmer
Board Records Supervisor



For Angelina "Angel" Colonnese, Esq.
Manatee Clerk of the Circuit Court &
Comptroller
(941) 749-1800 Ext. 4081
1115 Manatee Ave W, Bradenton, FL 34205
www.ManateeClerk.com

To Protect the Public Trust through Integrity and Transparency

Under Florida law, e-mail addresses and all correspondence sent to this email address are public records and may be subject to disclosure. If you do not want your e-mail address or correspondence released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Vicki Tessmer
Sent: Wednesday, June 10, 2026 11:41 AM
To: Municode Ords Admin <municodeords@civicplus.com>
Subject: Manatee County Ordinances

Hello,
Please find attached the word versions of ordinance adopted by the Manatee County Board of County Commissioners on June 4, 2026:
Ords 26-26 and 26-18.
Thank you,

Vicki Tessmer
Board Records Supervisor



For Angelina "Angel" Colonnese, Esq.
Manatee Clerk of the Circuit Court &
Comptroller
(941) 749-1800 Ext. 4081
1115 Manatee Ave W, Bradenton, FL 34205
www.ManateeClerk.com

**To Protect the Public Trust through Integrity and
Transparency**

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From: Bobbi Roy <bobbi.roy@mymanatee.org>
Sent: Wednesday, June 10, 2026 11:12 AM
To: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>; Abigail Bonds <abigail.bonds@mymanatee.org>
Subject: RE: Word docs

[NOTICE: This message originated outside of Manatee County Clerk's Office -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I am so sorry. I totally forgot to reply to this last week.

Bobbi Roy | Supervisor, Planning and Zoning – Agenda Division
Manatee County Government
Development Services
9000 Town Center Parkway
Lakewood Ranch, FL 34202
Office: 941-748-4501 ext. 6878
Mobile: 941-392-1086
Website: mymanatee.org

We are officially open to welcome customers at our new office location! Stop by and see us at 9000 Town Center Parkway, Lakewood Ranch, FL 34202.

For convenience, services are also available via the Accela Online Services Portal at mymanatee.org.

Under [Public Records Act](#), email communications sent to and from this address may be subject to public disclosure. Please be advised that any correspondence may be retained as a public record and could be disclosed upon request.



From: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>
Sent: Thursday, June 4, 2026 3:41 PM
To: Abigail Bonds <Abigail.bonds@mymanatee.org>; Bobbi Roy <bobbi.roy@mymanatee.org>
Subject: Word docs

**CAUTION: This email originated from an external source.
Be suspicious of Attachments, Links and Request for Login Information and utilize the REPORT MESSAGE Button in Outlook if you feel this is a Phishing email.**

Hi,
Could I please get the word docs for the two ords, 26-18 and 26-26? The transmittal letter for item 4 is attached.

Thank you,

Vicki Tessmer
Board Records Supervisor



For Angelina "Angel" Colonnese, Esq.
Manatee Clerk of the Circuit Court &
Comptroller
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