

**RIVER HALL
Environmental Resource Permit
Certification Status Report**

November 5, 2009

**Prepared for:
River Hall Community Development District (CDD)
Lee County, Florida**

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I. BACKGROUND

The surface water management system for the River Hall community was designed and permitted with South Florida Water Management District (SFWMD) under Environmental Resource Permit (ERP) No. 36-04006-P, Application Nos. 040702-8, 041001-18 and 051112-18. Copies of the approved permits are included in Appendix A, Appendix B, and Appendix C, respectively, of this report.

The water management system is broken down into four separate basins, with each of the four basins further broken down into multiple sub-basins. These basins discharge into onsite preserve areas with eventual discharge into the Caloosahatchee River via Olga Creek via offsite conveyance facilities. Stormwater discharge between basins and into onsite preserve areas is controlled via onsite control structures. A detailed exhibit depicting the designed stormwater path by basin is included in Appendix D of this report.

The surface water management system for River Hall was constructed as a joint effort between subsidiaries of Landmar Group (Hawks Haven Developers, LLC and Hawks Haven Golf Course Community Developers, LLC), hereafter referenced as “Landmar”, and Levitt and Sons. Landmar constructed the surface water management system for the common area, including River Hall Parkway, as well as the surface water management system for the Hampton Lakes at River Hall and River Hall Country Club subdivisions. Levitt and Sons constructed the surface water management system for the Cascades at River Hall subdivision.

The River Hall Community Development District (CDD) was established for the purpose, amongst others, of being the responsible entity for the perpetual operation and maintenance of the surface water management system constructed by Landmar on behalf of the CDD. This responsibility also extends to the long-term monitoring and maintenance of the onsite preservation areas currently owned by Landmar. Several of Landmar’s construction contracts were therefore conveyed to the CDD during construction and funded by the CDD through pay requisition draws against the construction bond. Additionally some of the onsite preserve areas owned by Landmar have been subsequently conveyed to the CDD.

The surface water management system for Cascades at River Hall is not the responsibility of the River Hall CDD. Likewise the CDD is not responsible for monitoring and maintaining the onsite preserve areas associated with Cascades at River Hall. These facilities, constructed by the former Levitt and Sons, have been subsequently conveyed to the Cascades at River Hall Residents Association.

The ERP does not currently identify the River Hall CDD as the listed responsible entity for the operation and maintenance of any portion of the River Hall surface water management system or onsite preserve areas, and neither does it clearly differentiate between the portions of the surface water management system constructed by Landmar (to be operated and maintained by the CDD) versus those constructed by Levitt and Sons (to be operated and maintained by Cascades at River Hall Residents Association). Exhibits have been prepared summarizing the present owner as well as the responsible maintaining entity for the various stormwater management system components and are included in Appendix E and Appendix F of this report.

Please note several onsite conservation areas owned by Landmar and maintained by the River Hall CDD (identified in Appendix F as Preserves “A” through “E”) do not appear to currently have a recorded easement agreement in place authorizing the CDD to access and maintain these areas. While the engineer’s report establishes it is within the CDD’s jurisdiction to monitor and maintain these areas, it is recommended an easement agreement be prepared for these areas granting the CDD access to the property in order to properly carry out its maintenance responsibilities.

II. CERTIFICATION STATUS

Construction of the surface water management system was performed in general accordance with the ERP. However surveyed record data collected of the control structures post-construction indicates that the difference between the design and record information for many of the constructed control structures falls outside the allowable construction tolerance guidelines established by SFWMD. Additionally the ERP was modified during construction to account for additional property that was added to the development, and as a result the permitted design of several control structures does not coincide with what was previously designed and constructed.

These structures require modification prior to certification by the CDD Engineer. Several of these constructed control structures requiring modification were contracted and funded by Levitt and Sons and are not the responsibility of the CDD to address, however SFWMD policy indicates none of the permitted system can be certified by the Engineer of Record until all the constructed control structures are in compliance, regardless of entity. An exhibit has been prepared identifying the structures requiring modification or replacement and is included in Appendix G of this report.

Please note the permitted surface water management system has not been fully constructed and therefore a full certification cannot be requested from SFWMD.

However a partial certification may be pursued for each individual basin or sub-basin with the condition that the entire basin or sub-basin is constructed in accordance with the permitted design and has a satisfactory outfall. An exhibit depicting the constructed, partially constructed, and not constructed portions of the overall surface water management system is included in Appendix H of this report.

III. RECOMMENDATIONS

It is our recommendation the ERP be modified to reflect the appropriate operating and maintaining entities and clearly delineate the portions of the surface water management system and conservation areas which are the operation and maintenance responsibility of each entity. To that end, we recommend the CDD contact the Cascades at River Hall Residents Association and indicate to the association its shared responsibility in bringing the surface water management system into compliance with the ERP.

It is our further recommendation the CDD determines a course of action to modify or replace the constructed control structures currently outside the allowable construction tolerance guidelines established by SFWMD.

Upon successful completion of the above recommendations, a thorough inspection of the surface water management system can be performed and contingent upon the results of the inspection, a partial certification request may be submitted to SFWMD for the completed basins of the stormwater management system. The certified system may then be transferred to the appropriate operating and maintaining entity.