

**TOWN OF LAKE HAMILTON
MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, MARCH 5, 2024
6:00 PM**

The Town Council of Lake Hamilton held a Regular Meeting on Tuesday March 5, 2024, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Kehoe called the meeting to order at 6:00 p.m.

INVOCATION

Invocation was given by Vice Mayor Roberson

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by all

PROCLAMATION

Irish Heritage Month Proclamation read and presented by the Mayor

ROLL CALL

Vice Mayor Cora Roberson, Council Member Larry Tomlinson, Council Member Patrick Slavens, Council Member Marlene Wagner and Mayor Michael Kehoe were present.

Staff: Town Administrator Interim/ Chief Teague, Attorney Maxwell, Town Clerk Jacqueline Borja and Town Planner Chris Kirby were present.

CONSENT AGENDA

Motion made by Council Member Wagner and second by Vice Mayor Roberson approved February 6, 2024, Regular Meeting Minutes, February 14, 2024, Bid Opening for ITB BD 2024-01 Meeting Minutes, February 27, 2024, Special Meeting Minutes and Appointment of Advisory Board Member. **Motion Passed 4-0**

RECOGNITION OF CITIZENS

Curtis Videay 234 S Palm
Glenn Lawhorn 1100 Jim Edwards
Thomas Gill 108 Bream St.

OLD BUSINESS

Public Hearing and Second Reading of Ordinance O-2024-01 Business Impact Statement. Attorney Maxwell read the title for the record.

ORDINANCE O-2024-01: AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA AMENDING CHAPTER 1 OF THE LAKE HAMILTON CODE OF

ORDINANCES, TO ADD SECTION 1-13, IMPLEMENTING THE STATE'S STATUTORY MANDATE TO PREPARE BUSINESS IMPACT ESTIMATES PRIOR TO THE ADOPTION OF PROPOSED ORDINANCES PURSUANT TO SECTION 166.041(4), FLORIDA STATUTES; PROVIDING FINDINGS; ADOPTING BUSINESS IMPACT ESTIMATE PROCEDURES, REQUIREMENTS AND EXEMPTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Motion made by Slavens and a second by Roberson to approve the Ordinance O-2024-01 Business Impact Statement on second and final reading. Mayor opened the floor for public comments. No public comments were received. A roll call vote was taken. Tomlinson aye, Roberson aye, Slavens aye, Wagner aye and Kehoe aye. **Motion Passed 5-0.**

Public Hearing and Second Reading of Ordinance O-2024-02 Utilities Amendment.

Attorney Maxwell read the title for the record.

ORDINANCE O-2024-02: AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, RELATING TO WATER AND SEWER UTILITIES; AMENDING SECTION 32-14 AND SECTION 32-15 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE HAMILTON, FLORIDA (THE "CODE"); TO UPDATE EMERGENCY RESPONSE RATES AND UTILITY AUDIT FEE; TO UPDATE UTILITY ACCOUNT PAYMENT METHODS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion made by Slavens and a second by Wagner to approve the Ordinance O-2024-02 Utilities Amendment on second and final reading. Mayor opened the floor for public comments. Vice Mayor Roberson commented. A roll call vote was taken. Tomlinson aye, Roberson nay, Slavens aye, Wagner aye and Kehoe aye. **Motion Passed 4-1.**

Public Hearing and Second Reading of Ordinance O-2024-03 Water Connection Amendment.

Attorney Maxwell read the title for the record.

ORDINANCE O-2024-03: AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA; AMENDING TABLE 1 OF SECTION 32-8(e) OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE HAMILTON TO CORRECT AN ERROR IN THE TABLE OF WATER CONNECTION FEES FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT WITH METERS UP TO 6.0 INCHES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion made by Wagner and a second by Roberson to approve the Ordinance O-2024-03 Water Connection Amendment on second and final reading. Mayor opened the floor for public comments. Vice Mayor Roberson commented. A roll call vote was taken. Tomlinson aye, Roberson aye, Slavens aye, Wagner aye and Kehoe aye. **Motion Passed 5-0.**

Public Hearing and Second Reading of Ordinance O-2024-04 Detour School Annexation.

Attorney Maxwell read the title for the record.

ORDINANCE O-2024-04: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON EXTENDING THE CORPORATE LIMITS OF THE TOWN SO AS TO INCLUDE ADDITIONAL TERRITORY LYING ADJACENT TO THE PRESENT BOUNDARIES

OF THE TOWN OF LAKE HAMILTON, FLORIDA; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. THE PROPERTY LOCATION IS 4,000 FEET EAST OF DETOUR ROAD ON THE SOUTHWEST CORNER ALFORD ROAD CONTAINING 58.70 ACRES.

Motion made by Roberson and a second by Slavens to approve the Ordinance O-2024-04 Detour School Annexation on second and final reading. Mayor opened the floor for public comments. Glenn Lawhorn 11000 Jim Edwards and Thomas Gill 108 Bream Street commented. A roll call vote was taken. Tomlinson aye, Roberson aye, Slavens aye, Wagner aye and Kehoe aye. **Motion Passed 5-0.**

Public Hearing and Second Reading of Ordinance O-2024-05 Water Tank Road Community Development District.

Attorney Maxwell read the title for the record.

ORDINANCE O-2024-05: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA ESTABLISHING THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2023); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICTS BOARD OF SUPERVISORS; PROVIDING SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Cassidy Land Development presented a presentation.

Attorney Maxwell requested to accept the petitions and pre-filed testimonies for the record.

Motioned made by Vice Mayor Roberson and second by Mayor Kehoe accepted the petitions and pre-filed testimonies for the record. A roll call vote was taken. Tomlinson nay, Roberson aye, Slavens nay, Wagner aye and Kehoe aye. **Motion Passed 3-2.**

Motion made by Wagner and a second by Kehoe to approve the Ordinance O-2024-05 Water Tank Road Community Development District for second and final reading. Mayor opened the floor for public comments. Frances Vandiver 9111 Lake Hatchineha Road, Donielle Mivon 5720 Water Tank Road, Glenn Lawhorn 11000 Jim Edwards, Thomas Gill 108 Bream Street, Wayne Higgins 3549 Koko Rd, Ernest Wormley 1133 MLK and Christina Faulkner 5800 Lake Hatchineha Road commented. A roll call vote was taken. Tomlinson nay, Roberson aye, Slavens nay, Wagner aye and Kehoe aye. **Motion Passed 3-2.**

NEW BUSINESS

First Reading of Ordinance O-2024-06 Petitions to Extend the Boundaries of Hamilton Bluffs Community Development District.

Attorney Maxwell introduced and read the title for the record.

ORDINANCE O-2024-06: AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA AMENDING SECTION 5 OF ORDINANCE O-22-06 THAT ESTABLISHED THE HAMILTON BLUFF COMMUNITY DEVELOPMENT DISTRICT BY ADDING APPROXIMATELY 444 ACRES OF LAND THERETO PURSUANT TO SECTION 190.046, FLORIDA STATUTES; PROVIDING FOR THE AMENDMENT OF EXHIBIT A TO ORDINANCE O-22-06, TO PROVIDE FOR A NEW METES AND BOUNDS LEGAL

DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Public Hearing Resolution R-2024-02 Wastewater Facility Project Improvements.
Was tabled by council.**

New Town Administrator Search

The mayor discussed with the Town Council the process of moving forward in the search for a New Town Administrator. Mayor discussed how Chief Teague is interested in the position for Town Administer. The Chief/Town Administrator Interim Teague requested the search for a new Town Administrator to be halted while he decides to take the position of Town Administrator. **Motion made** by Slaven and a second by Tomlinson to approve postponed the search process for the Town Administer position for 6 months. The council was all in consensus. **Motion Passed.**

STAFF REPORTS:

Town Administrator- Town Administrator Interim Teague gave an overview of the staff reports. Included in packet.

Town Clerk- Town Clerk Borja mentioned to Council that on March 14th, 2024, the Chamber Breakfast will be held at the Balmoral Resort Florida in Haine City and asked Council who will all be attending. Council replied that all will be in attendance including Chief Teague and Police Department Administration Gina Pirtle. She also asked Council who would attend the Ridge League Dinner located in Bartow's Civic Center. Mayor Kehoe, Vice Mayor Roberson, Council Member Wagner, Chief Teague and Police Department Administer Pirtle will be attending. There was an invitation sent to Council to the Winter Haven Seniors High Upgraded Denison Stadium Ribbon Cutting on Monday, March 25, 2024, at 9:00 am. Inform Council that there is scheduled a Special Meeting on March 20, 2024, at 5:00 pm for the Waste water facility improvements.

Police Department- Included in Packet.

Community development- Included in Packet

Public Works- Included in Packet.

TOWN ATTORNEY COMMENTS: No comments.

COUNCIL COMMENTS: Vice Mayor Roberson commented that there was a complaint about a rogue league taking over the ball field and people drinking on the ball field. Chief Teague addressed her concerns. She also asked why the stop sign was placed in front of someone's house entrance. Council Member Tomlinson mentioned he saw three semi-trucks coming down from Hatchineha and turning into Detour Rd. ignoring the no trucks signs.

ADJOURNMENT:


Motion made by Wagner and a second by Roberson to adjourn the meeting at 8:20 PM. **Motion Passed 5-0.**

ATTEST




Jacqueline Borja, Town Clerk


Michael Kehoe, Mayor


Michael Teague, Town Administrator Interim

Total	
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Memorandum

To: Town Council

From: Public Services Director

Date: 2-29-2024

Subject: Monthly Update for activities and work performed in February 2024

Sanitation: Normal Operations continue.

Parks: Routine mowing and cleaning of bathrooms continue. At Gunter Park the lights over the basketball court have been repaired.

Streets: Normal Operations. MG Underground is closing out project. The street resurfacing project has awarded a bid.

Water: The Water plant operations are normal. Phase 2 upgrade continues design and planning.

Sewer: The wastewater plant has been placed into service as of November 1, 2023. The general contractor is now working through the list of punch items to complete the project. Phase 2 planning continues.

MISC: The search for a wastewater plant operator continues. US water is contracted for operation of the WWTP in the short term.

Sincerely,

Patrick Henry

Public Works Director

Town of Lake Hamilton On-going Projects(FY 2024)

Action Item	Deadline	Budget	Status /Update
Collections and Distributions			
Septic to Sewer MG (Pennoni)	12/27/2023		90% completion - Street Resurfacing started. Estimated completion Jan 15th 2024
319 Grant - Censtate (Pennoni)	11/15/2023		Punch list items complete. Grant finalized
Total		\$	
Total CIP			

From the Desk of ...

Chief Michael Teague



03/01/2024

TO: Staff

SUBJECT: Council Report

March Items:

- 2 New Officers have started 1 in in house training the second is in Phase I Training
- Accreditation in Process (working on policies)
- 1 New Officer Processing
- Body Camera still in testing mode
- Vehicles are in but not on the road as of yet still acquiring items
- Old Crown vic to be wrapped for recruiting and special events
- Chief Attended the Police Chief Meeting

Michael Teague



LAKE HAMILTON POLICE DEPARTMENT

PO Box 126, 100 Smith Ave, Lake Hamilton, FL 33851

PHONE: 863-437-4711/ FAX: 863-439-1136

FEBRUARY 2024 - MONTHLY ACTIVITY REPORT

	TOTAL CALLS	TOTAL ARRESTS
ABANDONED/ IMPOUNDED	1	0
ABANDONED / FOUND PROPERTY	0	0
ABDUCTION	0	0
AED ASSIST	1	0
ALARM	6	0
ANIMAL COMPLAINT	0	0
ANIMAL COMPLAINT - DOMESTIC	0	0
ANIMAL COMPLAINT - LIVESTOCK	0	0
ANIMAL COMPLAINT - WILDLIFE	1	0
ASSAULT	0	0
ASSAULT - AGGRAVATED	0	0
ASSIST OTHER AGENCY	7	0
ATTEMPT TO CONTACT	3	0
BATTERY	0	0
BATTERY - AGGRAVATED	0	0
BATTERY - DOMESTIC	1	0
BURGLARY - BUSINESS	0	0
BURGLARY - CONVEYANCE	0	0
BURGLARY - RESIDENTIAL	1	0
BURGLARY - STRUCTURE	0	0
CHILD ABUSE	0	0
CRIMINAL MISCHIEF	0	0
CRUELTY TO ANIMALS	0	0
CURFEW VIOLATION	0	0
CUTTING	0	0
DANGEROUS SHOOTING	0	0
DEATH INVESTIGATION	0	0
DIRECTED TRAFFIC ASSIGNMENT	12	0
DISABLED VEHICLE	1	0
DISTURBANCE - CIVIL	5	0
DISTURBANCE - FAMILY	2	0
DISTURBANCE - JUVENILE	0	0
DISTURBANCE - NOISE	4	0
DISTURBANCE - VEHICLE NOISE	2	0
DISTURBANCE - WEAPON	0	0
DISTURBANCE	5	0
DROWNING	0	0

DRUNK DRIVER	0	0
DRUNK PERSON	0	0
ESCAPED PRISONER	0	0
EXCITED DELIRIUM	0	0
EXTORTION	0	0
FELONY	0	0
FIGHT	1	0
FILING FALSE REPORT	0	0
FIRE	0	0
FIRE ASSIST	0	0
FIRST RESPONDER REQUEST	0	0
FRAUD/FORGERY/COUNTERFEITING/UTTERING	0	0
FUNERAL ESCORT	0	0
GAMBLING	0	0
GRAND THEFT	1	0
HARRASSING PHONE CALLS	0	0
HIT & RUN FATALITY	0	0
HIT & RUN INJURIES	0	0
HIT & RUN PROPERTY DAMAGE ONLY	0	0
HIT & RUN SERIOUS INJURY TO RESULT IN DEATH	0	0
HITCHHIKER	0	0
HIGHWAY OBSTRUCTION	2	0
IDENTITY THEFT	0	0
INDUSTRIAL ACCIDENT	0	0
INFORMATION	69	0
INJURED PERSON	0	0
INVESTIGATION	10	0
LAW ENFORCEMENT CALL	1	0
LEWD ACT	0	0
LITTERING	0	0
LOST PROPERTY	0	0
LOST/ABANDONED TAG OR DECAL	0	0
MAIL THEFT	0	0
MEDICAL ASSIST	0	0
MENTALLY ILL PERSON	2	0
MISDEMEANOR	0	0
MISSING / ENDANGERED PERSON	0	0
MOLESTING	0	0
MURDER	0	0
NARCOTICS VIOLATION	0	0
NATURAL DISASTER	0	0
OPEN DOOR / WINDOW	1	0
OVERDOSE	0	0
PATROL BUSINESS	1033	0
PATROL REQUEST	0	0
PATROL RESIDENCE	295	0
PERIMETER CHECK	57	0

PETIT THEFT	0	0
POSS FIREARM BY FELON	0	0
PROPERTY DAMAGE NON-CRIMINAL	0	0
PROWLER	0	0
RESISTING OFFICER	0	0
RETAIL THEFT	0	0
RIOT	0	0
ROBBERY	0	0
RUNAWAY	0	0
SERVE CIVIL PROCESS	0	0
SEXUAL BATTERY (FAMILY,UNK.KNOWN)	0	0
SHOOTING/THROWING MISSILE INTO BUILDING	0	0
SHOOTING/THROWING MISSILE INTO VEHICLE	0	0
SHOOTING/ PERSON	0	0
SOLICITATION VIOLATION	0	0
SPECIAL DETAIL	51	0
STOLEN TAG / DECAL	0	0
STOLEN VEHICLE	0	0
STOLEN VEHICLE RECOVERED	0	0
SUBJECT STOP	0	0
SUICIDE ATTEMPT	1	0
SUSPICIOUS AIRCRAFT	0	0
SUSPICIOUS INCIDENT	1	0
SUSPICIOUS PERSON	4	0
SUSPICIOUS VEHICLE	5	0
TAMPERING	0	0
THEFT	0	0
TRAFFIC ASSIGNMENT	0	0
TRAFFIC COMPLAINT	4	0
TRAFFIC STOP	230	24
TRESPASSING	2	0
UNCONFIRMED EMERGENCY	13	0
VEHICLE CRASH	21	0
WORTHLESS CHECK	0	0
VIOLATION OF INUNCTION	1	0
WARRANT / CAPIAS ARREST	0	0
OVERALL TOTAL	1867	24
	TOTAL CITATIONS	TOTAL ARRESTS
CRIMINAL TRAFFIC	26	24
NON-CRIMINAL TRAFFIC	178	0
PARKING TICKETS	0	0
WARNINGS	103	0
OVERALL TOTAL	178	24
	TOTAL WGT / VALUE	TOTAL ARRESTS

Recovered Cannabis	67.600	
Recovered Cocaine		
Recovered Meth	3.3	
Recovered Heroin		
Recovered Pills		
Seized Currency		
Based on Property received in Prop Room and not marked Dispo= COR Action=FX		

STAT SHEET 24-Feb

Officer

	Calls	Reports	Checks	FIR	Arrest-T	Arrest-F	Arrest-M	Arrest-W	R-Cannabis	R-Cocaine	R-K2	Pills	R-Meth	R-Firearms	S-Currency	S-Vehicles	Accidents	Citations	CR-Citations	Warnings	Community Outreach	Training Hours
Teague	LH212	4	3		3			3										1	2			8
Vinton	LH324																	4				40
Ortiz-Gonzalez	LH231	139	2	75													1	6	4	5		5
Wasserman	LH224	128	3	112	4		4										3	6	3	2		
Sunderlin	LH228	298	8	220	3		3										1	98	4	32		
Jones	LH232	500	8	375	5		5							1			6	6	2	2		
Goodall	LH233	153	16	121													5	20	10	44		
Birchworth	LH235	461	20	334	7		7		5									28	3	17		
Vernet	LH236																					
Clark	LH237	184	6	129	2		2															
New Officer 1	LH238																					
New Officer 2	LH239																					
Meyer	LH217																					
Carr	LH230																					
Garrison	LH229																					
Total		1867	66	1366	0	24	0	24	0	5	0	0	0	1	0	0	16	169	26	103		53
Reserve Hrs																						

Monthly Proficiency Reports -February 2024
Lake Hamilton Police Department
Patrol

Patrol	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Year to Date	Same Month Last Year		(+ / -) (%)
														2027	2027	
Calls	2465	1876											4341	2027	(-) 7%	
Lima	82	66											148	52	(+) 21%	
Warrant Arrest	0	0											0	0	(+) 0%	
Felony Arrest	2	0											2	0	(+) 0%	
Misd. Arrest	30	24											54	22	(+) 8%	
Total Arrest	32	24											56	22	(+) 8%	
Cannabis	6.7	5											11.7	0	(+) 100%	
Cocaine	0	0											0	0	(+) 0%	
Methamphetamine	0	0											0	0	(+) 0%	
Firearms	0	1											1	0	(+) 100%	
Pills	0	0											0	0	(+) 0%	
K2	0	0											0	0	(+) 0%	
Traffic																
Citations	147	169											316	72	(+) 57%	
Criminal Citations	38	26											64	22	(+) 15%	
Warnings	94	103											197	124	(+) 17%	
Crashes	12	16											28	11	(+) 31%	
DUI	0	0											0	1	(-) 100%	
DRE	0	0											0	0	(+) 0%	
Deployments	0	0											0	0	(+) 0%	
Apprehensions/Arrests	0	0											0	0	(+) 0%	
Hours Trained	11	5											16	12	(-) 58%	
Demos	0	0											0	0	(+) 0%	
Searches	2	0											2	0	(+) 0%	
Heroin	0	0											0	0	(+) 0%	
Patrol Cont																
Seized Vehicles	0	0											0	0	(+) 0%	
Deaths	0	0											0	0	(+) 0%	
Seized Currency	0	0											0	0	(+) 0%	

BEFORE THE TOWN COUNCIL OF THE
TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 WATER TANK ROAD COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Jillian Burns, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Jillian Burns and I am a District Manager at Governmental Management Services-Central Florida, LLC.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages, submitted under my name to the Town Council of the Town of Lake Hamilton, Florida relating to the Petition to Establish the Water Tank Road Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Water Tank Road Community Development District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience, and qualifications concerning my work as a special district manager and financial advisor are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various managerial and operational aspects related to the Petition to Establish the Water Tank Road Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

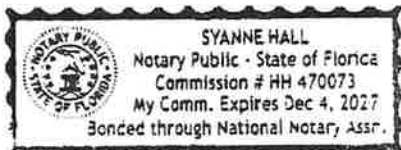
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 6th day of February 2024.


Jillian Burns

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th of February 2024, by Jillian Burns, who is personally known to me or who has produced _____ as identification.




(Official Notary Signature & Seal)

Name: Syanne Hall
Personally Known ☒
OR Produced Identification _____
Type of Identification _____

**TESTIMONY OF JILLIAN BURNS FOR ESTABLISHMENT OF
WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Jillian Burns. My business address is 219 E. Livingston St. Orlando, Florida 32801.

2. By whom are you employed and in what capacity?

I am employed with Governmental Management Services-Central Florida, LLC ("GMS") and serve as District Manager and assessment administrator for community development districts.

3. Please briefly summarize your duties and responsibilities.

GMS provides management consulting services to community development districts and the real estate industry, including general management, accounting, recording, secretarial services, field services and assessment administration. GMS currently serves as the district manager for over one hundred and fifty (150) community development districts ("CDDs") in the State of Florida.

4. Do you work with both public and private sector clients?

GMS primarily works for public entities providing district management services. However, we are retained, from time to time, by private entities to consult on the creation of special districts as well as the viability of certain proposed developments.

5. Prior to your current employment, by whom were you employed and what were your responsibilities in those positions?

I have fifteen (15) years of experience in providing management to special districts in the State of Florida. I worked for Fishkind & Associates as a District Manager for over 10 years prior to my employment at GMS. I have extensive knowledge of special districts, governmental budgeting and finance issues, and the development process.

6. Please describe your educational background.

I have a bachelor's degree from University of Central Florida.

7. Please describe your work with community development districts in Florida.

Through GMS, the clients I serve are both resident-elected and landowner-elected CDDs, depending on the stage in the life of the development. I assist the various Boards of Supervisors and residents by managing the accounting, official recordkeeping, and

1 operations and management of the assets acquired or constructed by the CDD. I have
2 provided management services to over forty (40) active CDDs across Florida.

- 3
4 **8. Are any of these community development districts that you have worked with about**
5 **the same size as the proposed District in the Town of Lake Hamilton (the “Town”)?**

6
7 Yes.

- 8
9 **9. What has been your role with respect to the proposed District establishment**
10 **proceeding?**

11
12 I serve as a financial, economic, and management consultant relating to the establishment
13 of the proposed District. Specifically, my firm prepared Exhibit 8, the Statement of
14 Estimated Regulatory Costs (“SERC”), of the Petition to Establish the Water Tank Road
15 Community Development District (“Petition”).

16 17 **DISTRICT MANAGEMENT**

- 18
19 **10. At this point, I will ask you to address certain matters that are related to community**
20 **development district management. Please describe the general manner in which a**
21 **community development district actually operates.**

22
23 Community development districts are governed by a five-member board of supervisors.
24 These board members are initially appointed by the establishment entity in its ordinance.
25 Within 90 days of the establishment of the district, a new board is elected by the landowners
26 in the district. The Board is the governing body of the district. The Board employs a district
27 manager, who supervises the district’s services, facilities, and administrative functions.
28 The Board annually considers and, after public notice and hearing, adopts a budget. The
29 district submits a copy of the proposed budget to the applicable local general-purpose
30 government for review and for optional comment prior to its adoption each year.

- 31
32 **11. Are there requirements, such as the open meetings and public records laws, imposed**
33 **upon community development districts in order to safeguard the public that are**
34 **similar to those imposed upon other general-purpose local governments?**

35
36 Yes, there are.

- 37
38 **12. Please describe these requirements and safeguards.**

39
40 First, it is important to note that the establishment of a CDD does not change any
41 requirements for local general-purpose governmental approval of construction within the
42 district. Any land development requirements and all state and local development
43 regulations still apply.

44
45
46 Second, members of a CDD Board of Supervisors must be residents of Florida and citizens

of the United States. After the Board shifts to being elected by the resident electors of the CDD, the Supervisors must also be residents of the CDD and registered to vote in the county where the District is located. Supervisors must annually file the same financial disclosure forms required of other local officials. All meetings of the CDD Board of Supervisors are open to the public and are subject to the government in the sunshine requirements of Chapter 286, Florida Statutes. Furthermore, a CDD's records must be open for public inspection in accordance with the Florida law governing public records.

Next, the District must provide financial reports to the state in the same form and manner as is required of all other political subdivisions. The District is annually audited by an independent certified public accountant. As I said before, the District budget is adopted annually by the board after a public hearing. All rates, fees, and charges imposed by the District must be adopted pursuant to Chapter 120, Florida Statutes.

Finally, to impose special or non-ad valorem assessments under Chapter 170, 190 and 197, Florida Statutes, a CDD must provide published and mailed notice to those who are assessed providing them opportunity to appear before the Board of Supervisors and have an opportunity to comment on the advisability of the assessments. That assessment process entails preparation of an assessment methodology that fairly and equitably allocates the cost of the CDD's projects.

13. Please describe in general terms how a CDD operates financially, both on a day-to-day and a long-term basis.

In the early stages, particularly when a CDD is first formed, the CDD's operating funds may be funded by a "Funding Agreement" between the CDD and the landowner/developer in lieu of assessments that the CDD might have imposed on property within the CDD. Alternatively, the CDD may levy "operations and maintenance" assessments to fund the ongoing operation of the District and maintenance of its facilities.

In order to provide long term financing of capital projects, CDDs often issue bonds. All bonds issued by CDDs must be secured by a trust agreement, and any bond maturing over a period of more than five years must be validated and confirmed by court decree pursuant to Chapter 75, Florida Statutes. A CDD may borrow funds on a long-term or short-term basis.

Debt may be retired by the District through non-ad valorem special assessments imposed on benefited properties, or rates, fees, and charges imposed on users of District facilities and services. By law, debt of the District cannot become debt of any other government (Town, county or state), without that government's consent.

14. What alternatives, other than community development districts, are you familiar with that might be available to provide community infrastructure for the lands within the proposed District?

In my opinion there are two alternatives that might provide community infrastructure such

1 as the roads, utilities, drainage, recreation and other improvements contemplated for the
2 proposed district. First, the general-purpose local government could finance the
3 improvements utilizing special assessments and/or general funds. Alternatively, the
4 developer could provide infrastructure through private means, including private financing
5 if available. As discussed later in my testimony, neither of these alternatives is preferable
6 to use of the CDD concept.

7
8 **15. Do you have an opinion, as someone experienced in district management and**
9 **operations, as to whether the proposed District is the best available alternative for**
10 **delivering community services and facilities to the areas that will be served by the**
11 **District?**

12
13 Yes. For this project, the proposed District is the best alternative available for delivering
14 the proposed services and facilities to the area that will be served. These improvements
15 include, but are not limited to, stormwater management system, onsite and offsite roadway
16 improvements, lift station, water and sewer improvements, entry features and signage,
17 recreation features and amenities, undergrounding for streetlights, and related
18 improvements.

19
20 **16. What is the basis for your opinion?**

21
22 Looking at the alternatives, the Town could finance and manage the improvements utilizing
23 special assessments or general funds, with or without the establishment of a dependent
24 special district. The developer and/or a property owner's association ("POA") could
25 provide these facilities as well through private financing.

26
27 In evaluating the alternatives, it is important to consider whether the alternative can provide
28 the best focus, can effectively and efficiently manage and maintain the facilities, and
29 whether the alternative can secure low-cost, long-term public financing. The Town clearly
30 provides the long-term perspective and is a stable and relatively low-cost source of
31 financing and provider of services at sustained levels. However, the Town has substantial
32 demands over a broad geographical area that place a heavy management delivery load on
33 its staff. In addition, if dependent district financing were used, the Town would be
34 responsible for all administrative aspects of the dependent district. The Town would have
35 to make time and meetings available for the monthly matters pertaining to the dependent
36 district. By using a dependent district mechanism, the Town would be increasing its
37 responsibility and hence liability for the variety of actions that will take place in the
38 development. The Town, through a dependent district, would also be the contracting party
39 for all construction contracts, would have to deal with bid issues, enforce performance
40 bonds, and participate in construction arbitration or litigation if necessary. They would
41 deal with delay claims and budget management and all the other challenges that come with
42 being the owner in a public construction project. A CDD can be created to provide focused
43 attention to a specific area in a cost-effective manner. It also allows the Town to focus
44 staff time, finances, and other resources elsewhere and does not burden the general body
45 of taxpayers in the Town with the debt associated with this growth.

1 The other alternative is the use of private means, either through a POA or through the
2 developer, or both in combination. This combination can clearly satisfy the high demand
3 for focused service and facilities and managed delivery. However, only a public entity can
4 assure a long-term perspective, act as a stable provider of services and facilities, qualify as
5 a lower cost source of financing, and pay for services at sustained levels. POAs lack the
6 ability to effectively finance the improvements. Their ability to assure adequate funds for
7 sustained high levels of maintenance is lower than with a CDD.

8
9 Furthermore, neither the developer nor a POA would be required to conduct all actions
10 relating to the provision of these improvements in the “sunshine” as a CDD must or abide
11 by other public access requirements that are incumbent upon a CDD and its Board of
12 Supervisors. Also, provision and long-term operation and maintenance of these
13 improvements, particularly the drainage activities, by a CDD ensures that residents have
14 guaranteed access to the body or entity making decisions about these facilities, and in fact
15 will one day sit as the five-member board making the decisions that impact their
16 community directly.

17
18 A CDD is an independent special purpose unit of local government designed to focus its
19 attention on providing the best long-term service to its specifically benefited properties and
20 residents. It has limited power and a limited area of jurisdiction. The District will be
21 governed by its own board and managed by those whose sole purpose is to provide the
22 District long-term planning, management, and financing of these services and facilities.
23 This long-term management capability extends to the operation and maintenance of the
24 facilities owned by the District. Further, the sources for funding and manner of collection
25 of funds will assure that the District facilities will be managed at the sustained levels of
26 quality desired by residents well into the future.

- 27
28 **17. Do you have an opinion, as someone experienced in district management and**
29 **operations, as to whether the area of land to be included within the proposed District**
30 **is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be**
31 **developable as one functional interrelated community?**

32
33 Yes.

- 34
35 **18. What is your opinion?**

36
37 The proposed District has sufficient land area, and is sufficiently compact and contiguous
38 to be developed, with the roadway, drainage, water and sewer, and other infrastructure
39 systems, facilities and services contemplated. The District will operate as one functionally
40 interrelated community.

- 41
42 **19. What is the basis for your opinion?**

43
44 The size of the proposed District is approximately 289 acres. Based on my previous
45 experience, the proposed District is of sufficient size, compactness, and contiguity to be
46 developed as a functional interrelated community.

1
2 The qualities of compactness, contiguity, and size relate directly to whether an area can
3 become one functional interrelated community. From the standpoint of the provision,
4 management and operation of the community infrastructure expected to be provided by the
5 District, the acres contemplated for inclusion within the District are sufficiently compact,
6 contiguous and of sufficient size to maximize the successful delivery of these infrastructure
7 improvements to these lands. The delivery of services and facilities to the lands within the
8 District will not be hampered by insurmountable barriers or spatial problems. The area
9 within the District is suitably configured to maximize the benefits available from the
10 District services and facilities to be provided.

11
12 **20. Do you have an opinion, as someone experienced in district management and**
13 **operations, as to whether the area that will be served by the proposed District is**
14 **amenable to separate special district government?**

15
16 Yes.

17
18 **21. What is your opinion?**

19
20 The District is of sufficient size, compactness, and contiguity. Therefore, the area to be
21 served by the proposed District is clearly amenable to separate special district governance.
22 The configuration of the District is not unlike other CDDs with which I have worked over
23 time.

24
25 **22. What is the basis for your opinion?**

26
27 Two criteria are needed to evaluate if a land area is amenable to separate special district
28 government. One, does the land area have need for the facilities and services and will its
29 owners and residents benefit from facilities that the special district could provide? Two, is
30 the land area of sufficient size, sufficient compactness, and sufficient contiguity to be the
31 basis for a functional interrelated community?

32
33 Under both criteria, the proposed District is a planned community of sufficient size with a
34 need for the facilities and improvements that are presently expected to be provided by the
35 proposed District. As described in the Petition, the proposed District will construct and
36 maintain certain identified needed facilities and services. Other facilities and improvements
37 will be constructed by the proposed District and ultimately owned and maintained by the
38 Town. Based on my experience, CDDs of this size are large enough to effectively provide
39 and manage services. From a management and operations perspective, the land area is well
40 suited to the provision of the proposed services and facilities.

41
42 **23. Do you have an opinion, as someone experienced in district management and**
43 **operations, as to whether the community development services and facilities of the**
44 **proposed District will be incompatible with the capacity and use of existing local and**
45 **regional community development services and facilities?**
46

1 Yes.

2
3 **24. What is your opinion?**

4
5 The proposed services and facilities of the proposed District are not incompatible with the
6 capacity and uses of existing local or regional community development services and
7 facilities.
8

9 **25. What is the basis for your opinion?**

10
11 Petitioner presently expects the proposed District to finance and construct certain sanitary
12 sewer collection systems, water distribution systems, reuse water systems, stormwater
13 management systems, and roadway improvements. None of the facilities expected to be
14 provided by the District presently exist. Ultimately, the District may own and maintain
15 certain of those improvements and the Town, or other governmental entities, may own and
16 maintain others. There will be no overlap or incompatibility because the facilities and
17 improvements expected to be provided by the proposed District do not exist today.
18
19

20 **ECONOMICS AND FINANCING**

21
22 **26. You stated earlier that you are familiar with the Petition and its exhibits filed by the**
23 **Petitioner to establish the proposed District. Are you particularly familiar with**
24 **Exhibit 8 to the Petition?**

25
26 Yes, Exhibit 8 is the SERC, a requirement of Chapter 190, Florida Statutes.
27

28 **27. What exactly is a "SERC"?**

29
30 The Statement of Estimated Regulatory Costs is actually a requirement under Section
31 120.541(2), *Florida Statutes*, which has been incorporated into the law on establishment
32 of community development districts.
33

34 **28. In general terms, please summarize the economic analyses presented in the SERC.**

35
36 An understanding of the SERC requires the recognition of the scope of review and
37 evaluation for the establishment of a community development district as set out in Chapter
38 190. Section 190.002(2)(d), *Florida Statutes*, states "[t]hat the process of establishing such
39 a district pursuant to uniform general law [must] be fair and based only on factors material
40 to managing and financing the service delivery function of the district, so that any matter
41 concerning permitting or planning of the development is not material or relevant." Thus,
42 the scope of the economic analysis included in the SERC addresses only the establishment
43 of the proposed District, and not the planning or development of the property itself.
44

45 The economic analysis sets out the assumptions about the development within the proposed
46 district and the anticipated infrastructure to be provided by it. The analysis addresses each

1 of the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates
2 the impact of the proposed District on each such group.
3

4 The proposed District is a specialized unit of local government. It is a special purpose unit
5 of local government with a single objective: the provision of infrastructure and services for
6 a planned new community. Its economic benefits exceed its economic cost to the
7 Petitioner, the Town, and to all subsequent purchasers and landowners of the community -
8 in short, to all affected parties.
9

10 Once the proposed District is established, there are no direct costs to the Town. While the
11 proposed District will provide certain reports and budgets to the Town for its discretionary
12 review, there are no requirements that either incur any obligations or expense associated
13 with its review. In addition, to the extent the proposed District utilizes the services of the
14 Property Appraiser or Tax Collector under the provisions of Chapter 197, *Florida Statutes*,
15 to collect its assessments, the proposed District must pay the costs associated with those
16 services.
17

18 It is important to note that under Chapter 190, *Florida Statutes*, the debt of the proposed
19 District cannot become the debt of the Town or the State of Florida. Since the proposed
20 District will be an independent unit of government and issue its own bonds, the proposed
21 District will not have any effect on the bonding capacity of the Town or the State of Florida.
22

23 **29. Please describe briefly the data and methodology used in preparing the SERC and**
24 **related analyses.**
25

26 The data for the analysis came from the landowner, other experts working on the Petition,
27 and from the Petition itself. The methodology utilized is the standard economic impact
28 assessment.
29

30 **30. From an economic and financial perspective, do you have an opinion regarding the**
31 **financial viability and feasibility of the proposed District?**
32

33 Yes, I do.
34

35 **31. What is that opinion?**
36

37 In my opinion, based on my experience with other districts, the proposed District is
38 expected to be financially viable and feasible.
39

40 **32. Are you familiar with the State Comprehensive Plan found in Chapter 187, Florida**
41 **Statutes?**
42

43 Yes.
44

1 **33. From an economic and financial perspective, do you have an opinion as to whether**
2 **the proposed District is inconsistent with the State Comprehensive Plan from an**
3 **economic perspective?**

4
5 Yes.

6
7 **34. What is that opinion?**

8
9 It is my opinion the proposed District is not inconsistent with any applicable element or
10 portion of the State Comprehensive Plan.

11
12 **35. What is the basis for your opinion?**

13
14 I have reviewed, from an economic and financial perspective, the State Comprehensive
15 Plan, particularly those portions that relate to community development districts. The State
16 Comprehensive Plan (Chapter 187, *Florida Statutes*) “provides long-range policy guidance
17 for the orderly social, economic, and physical growth of the state.” From an economic and
18 financial perspective, four subjects of the State Comprehensive Plan, subjects 15, 17, 20,
19 and 25, are relevant to the establishment of a CDD.

20
21 Subject 15, titled Land Use, recognizes the importance of locating development in areas
22 that have the fiscal abilities and service capacity to accommodate growth. It is relevant
23 because CDDs are designed to provide infrastructure services and facilities in a fiscally
24 responsible manner to the areas that can accommodate development. The establishment of
25 the District will not be inconsistent with this goal because the District will have the fiscal
26 capability to provide the specified services and facilities within its boundaries.

27
28 Subject 17, titled Public Facilities, relates to (i) protecting investments in existing public
29 facilities; (ii) providing financing for new facilities, (iii) allocating the costs of new public
30 facilities on the basis of the benefits received by future residents; (iv) implementing
31 innovative but fiscally sound techniques for financing public facilities; and (v) identifying
32 and using stable revenue sources for financing public facilities. The establishment of the
33 District will further these State Comprehensive Plan goals and policies.

34
35 Subject 20, titled Governmental Efficiency, provides that governments shall economically
36 and efficiently provide the amount and quality of services required by the public. The
37 proposed District will be consistent with this element because the proposed District will
38 continue to:

- 39
40 (i) cooperate with other levels of Florida government;
41
42 (ii) be established under uniform general law standards as specified in Chapter
43 190, *Florida Statutes*;
44
45 (iii) be professionally managed, financed, and governed by those whose
46 property directly receives the benefits;
47

(iv) not burden the general taxpayer with costs for services or facilities inside the proposed District; and

(v) plan and implement cost efficient solutions for the required public infrastructure and assure delivery of selected services to residents.

Subject 25, titled Plan Implementation, calls for systematic planning capabilities to be integrated into all levels of government throughout the state, with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement. The proposed District is consistent with this element of the State Comprehensive Plan.

36. Based on your work with districts and from an economic and financial perspective, do you have an opinion as to whether the area of land that is proposed to be included within the proposed District is of sufficient size, sufficient compactness, and sufficient contiguity to be developable as one functional interrelated community?

Yes.

37. What is your opinion?

Based on my previous experience, the proposed District is of sufficient size, compactness, and contiguity to be developed as a functional interrelated community.

38. What is the basis for your opinion?

The project is compact with land use typical of a planned community. The development of the land has been planned to be a functional interrelated community making the most efficient use of public funds available.

39. From a financial perspective, do you have an opinion as to whether the proposed District is the best alternative available for providing the proposed community development services and facilities to the area to be served?

Yes.

40. What is your opinion?

The proposed District is the best alternative to provide community development facilities to the area to be served. This is true for the landowners and the governmental entities for the following reasons.

From the perspective of current and future property owners within the District, the District is the best alternative for providing community facilities, infrastructure, and services. The land development envisioned for the area within the District's boundaries will require substantial provision of infrastructure, facilities and services. The CDD is an alternative method to provide these necessary services. The CDD can access the tax-exempt public

capital markets and thereby fund these facilities and services at a lower cost than the alternative of developer funding. Furthermore, unlike a POA, the CDD has the power to levy assessments that are collected along with other property taxes. Therefore, a CDD can fund large capital improvement programs that a POA cannot.

With regard to the operations and maintenance of community facilities and services, the CDD is also the best alternative. The CDD is preferable to a POA to future landowners for the following reasons. First, unlike a POA, the CDD collects funds for operations and maintenance directly from assessments collected along with all other property taxes, which is a more assured income stream. Unlike a POA, a CDD is a unit of local government, and it must hold its meetings in the sunshine and publicly bid out its contracts where required by law. A CDD provides control to the landowners much sooner in time than a POA. A CDD is focused on providing the community with services, facilities, and their maintenance in a way the general-purpose government, with its competing interests and broad responsibilities, is not. This level of local control serves the best interests of property owners in the CDD.

From the perspective of the State of Florida, the Town, and the water management districts, a CDD is the best alternative for providing community facilities and their operations and maintenance for a variety of reasons. First, as noted above, compared to a POA the CDD is a more powerful and more responsive organization for providing and maintaining infrastructure and services. Second, without a CDD the Town may have to assume greater responsibility for construction, operations, and maintenance of community facilities and services. Even if the Town formed a dependent district to provide community facilities and services to the area to be served by the CDD, and charged appropriately for these services, the Town would be enmeshed in the responsibilities and in the management of those facilities. Furthermore, without a CDD the Town cannot be assured that only residents of the area to be served by the CDD would bear the full costs of the needed facilities and services.

41. From an economic and financial perspective, do you have an opinion as to whether the services and facilities to be provided by the proposed District will be incompatible with the uses and existing local and regional facilities and services?

Yes.

42. What is your opinion?

The proposed District covers approximately 289 acres of land. The configuration of the land is sufficiently compact and contiguous. As such, it will not create any economic disincentives to the provision of the infrastructure facilities contemplated in this case.

Given the scope and expected cost of facilities to be provided, 289 acres for a residential development provides a sufficient economic base to absorb the debt costs and annual operating costs for district administration and to efficiently apportion the cost of improvements.

1
2 **43. From an economic and financial perspective, do you have an opinion as to whether**
3 **the area that will be served by the proposed District is amenable to separate special**
4 **district government?**

5
6 Yes.

7
8 **44. What is your opinion and its basis?**
9

10 It is my opinion that the area within the boundaries of the proposed District is amendable
11 to a separate special district government. The lands within the proposed District's
12 boundaries have the need for basic infrastructure.

13
14 The land is of sufficient size, compactness, and contiguity and meets those tests. Therefore,
15 from an economic and financial perspective, the area to be served by the proposed District
16 is clearly amendable to separate special district governance.

17
18 **45. Does this conclude your testimony?**
19

20 Yes, it does.

BEFORE THE TOWN COUNCIL OF THE
TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
WATER TANK ROAD COMMUNITY)
DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Polk

I, Warren K. (Rennie) Heath, II, of Cassidy Land Development, LLC, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Warren K. (Rennie) Heath, II, and I am the authorized signatory and representative of Cassidy Land Development, LLC ("Petitioner").
3. The prepared written, pre-filed testimony consisting of seven (7) pages, submitted under my name to the Town Council of the Town of Lake Hamilton, Florida relating to the Petition to Establish the Water Tank Road Community Development District, as supplemented ("Petition"), and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Water Tank Road Community Development District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the Petition, its exhibits and the reasons for establishing the District are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various statutory requirements and an overview of the proposed development within the boundaries of the District.

7. No corrections or amendments to my pre-filed testimony are required.

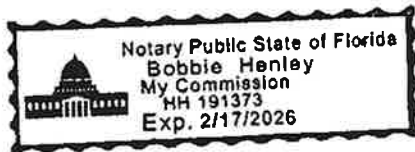
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 20th day of February 2024.

Warren K. Heath, II
Warren K. Heath, II

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20th of February 2024, by Warren K. Heath, II, who is personally known to me or who has produced _____ as identification.



Bobbie Henley
(Official Notary Signature & Seal)
Name: Bobbie Henley
Personally Known ☒
OR Produced Identification _____
Type of Identification _____

1 **TESTIMONY OF WARREN K. (RENNIE) HEATH, II FOR ESTABLISHMENT OF**
2 **THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**

5
6 My name is Warren K. “Rennie” Heath. My business address is 346 E. Central Ave.,
7 Winter Haven, Florida 33884.
8

9 **2. By whom are you employed and in what capacity?**

10
11 I am Director of Development for Heath Construction and Management, LLC. I have been
12 employed in my current position for over 30 years.
13

14 **3. Briefly summarize your duties and responsibilities.**

15
16 I am responsible for the overall management of permitting, design, land use and
17 entitlements for all of the developments for the above entity.
18

19 **4. Briefly describe your educational background.**

20
21 I hold a Bachelor of Arts Degree in Business with a minor in Economics from the
22 University of South Florida.
23

24 **5. Who is the Petitioner in this proceeding?**

25
26 The petitioner is Cassidy Land Development, LLC (“Petitioner”).
27

28 **6. Are you familiar with the Petition filed by the Petitioner seeking the establishment of**
29 **a community development district?**
30

31 Yes. I assisted in the preparation of the petition filed on December 19, 2023, with the
32 Town of Lake Hamilton, Florida (the “Town”) and accompanying exhibits (the “Petition”)
33 and worked with members of the consultant team we hired to prepare the filing. I reviewed
34 the Petition and exhibits prior to its filing.
35

36 **7. What is the proposed name of the District?**
37

38 The proposed name is the Water Tank Road Community Development District (“District”).
39

40 **8. Have you reviewed the contents of the Petition and approved its findings?**

41
42 Yes, I have.
43

44 **9. Are there any changes or corrections to the Petition at this time?**

45
46 No.

1
2 **10. Are there any changes or corrections to any of the exhibits submitted to the Town at**
3 **this time?**

4
5 No.

6
7 **11. Please generally describe each of the exhibits attached to the Petition.**

8
9 Exhibit 1 is the map showing the general location of the proposed District.

10
11 Composite Exhibit 2 is the metes and bounds description of the external boundary of the
12 proposed District and a sketch showing the proposed boundary

13
14 Exhibit 3 are the Consents of Landowners to CDD Establishment, executed by ABC IRA,
15 LLC; SLC IRA, LLC; Cassidy Holdings, LLC; Berry Real Estate, LLC; CCR IRA, LLC;
16 Northeast Polk Land Investments, LLC; PHC I Property, LLC; and SLC Family
17 Investments LLC, which together represent the consent of one hundred percent (100%) of
18 the owners of the lands to be included within the District.

19
20 Exhibit 4 contains a map depicting the existing use for the lands contained in the proposed
21 District and surrounding areas.

22
23 Exhibit 5 contains a map depicting the distribution, location, and extent of the public and
24 private land uses proposed by the District.

25
26 Exhibit 6 contains a map identifying the location of major trunk water mains and sewer
27 interceptors and outfalls, if in existence, within the property to be included in the proposed
28 District.

29
30 Composite Exhibit 7 contains a list of the facilities and services the proposed District is
31 expected finance, fund, construct, acquire and/or install, as well as the anticipated entity
32 responsible for the ownership and maintenance thereof in addition to the estimated costs
33 of construction the infrastructure serving the land within the proposed District.

34
35 Exhibit 8 is the Statement of Estimated Regulatory Costs (“SERC”), required by statute.

36
37 Exhibit 9 is the authorization of agent form, which authorizes Lauren Gentry, Esq. to act
38 as agent for the Petitioner.

39
40 **12. Were these Exhibits attached to the Petition prepared by you or under your**
41 **supervision?**

42
43 Yes.

44
45 **13. Are the contents of the Petition and the Exhibits, attached to it and referenced above**
46 **true and correct to the best of your knowledge?**

1
2 Yes.

3
4 **14. Are you familiar with the area that is proposed to be included within the District?**

5
6 Yes, I am familiar with the general area and the site specifically.
7

8 **15. Approximately how large is the proposed District in acres?**
9

10 The proposed District is located entirely within the Town of Lake Hamilton, Florida, which
11 is situated within Polk County. The proposed District covers approximately 289 acres of
12 land, more or less.
13

14 **16. What steps were taken with respect to filing the Petition with the Town?**
15

16 On December 19, 2023, the Petitioner filed the Petition with the Town.
17

18 **17. Has notice of the hearing been provided in accordance with Section 190.005, Florida**
19 **Statutes?**
20

21 Yes. A notice of hearing is being published in The Ledger, a newspaper of general
22 circulation in Polk County and of general interest and readership in the community, on
23 February 6th, February 13th, February 20th, February 27th of 2024 for the four (4)
24 consecutive weeks immediately preceding the hearing. Proof of publication has been
25 requested and will be available by the time of the establishment hearing.
26

27 **18. Who are the five persons designated in the Petition to serve as the initial Board of**
28 **Supervisors?**
29

30 The five persons include: myself, Lauren Schwenk, Jessica Petrucci, Daniel Arnette, and
31 Lindsey Roden.
32

33 **19. Do you know each of these individuals personally?**
34

35 Yes, I do.
36

37 **20. Are each of the persons designated to serve as the initial Board of Supervisors**
38 **residents of the State of Florida and citizens of the United States?**
39

40 Yes, they are.
41

42 **21. Are there residential units planned for development within the proposed District?**
43

44 Yes. There are approximately 1536 residential units planned for development within the
45 proposed District, which are anticipated to be constructed in one phase beginning in 2024
46 and ending in 2025.

1
2 **22. Are there residents currently living within the areas to be included within the District,**
3 **and, if so, have they been notified about the creation of the District?**
4

5 No, there are no residents currently living within the areas to be included within the
6 District.
7

8 **23. What steps will be taken to ensure that prospective purchasers of the District receive**
9 **notice of the existence of the District and its assessments?**
10

11 There are certain state law disclosure requirements that all community development
12 districts (“CDDs”) must meet.
13

14 First, within thirty (30) days of the establishment of the District, a Notice of Establishment
15 is required to be recorded in the property records. The notice contains a legal description
16 of the boundaries of the District and discloses, as required by Section 190.0485, *Florida*
17 *Statutes*, through inclusion of the bold-faced language set forth in the paragraph
18 immediately below, that the District may levy assessments. The document also provides
19 contact information for members of the public to obtain more information about the
20 District. This document should appear on a title search typically prepared when someone
21 intends to purchase a home after a District has been established.
22

23 Second, Section 190.048, *Florida Statutes*, requires certain contractual language to appear
24 in bold-faced and conspicuous type immediately prior to the signature line on every initial
25 purchase contract. The following language will be required: **The Water Tank Road**
26 **Community Development District may impose and levy taxes or assessments, or both**
27 **taxes and assessments, on this property. These taxes and assessments pay the**
28 **construction, operation, and maintenance costs of certain public facilities and services**
29 **of the District and are set annually by the governing board of the District. These taxes**
30 **and assessments are in addition to county and other local governmental taxes and**
31 **assessments and all other taxes and assessments provided for by law.**
32

33 Third, when assessments are levied for the first time or when previously levied assessments
34 are increased, notice of a public hearing is required to be given by publication in a local
35 newspaper and by mail to all property owners within the District. The assessments are then
36 considered at a public hearing.
37

38 Fourth, the District will be required to adopt and record in the Polk County Public Records
39 a Disclosure of Public Financing and Maintenance of Public Improvements. This
40 Disclosure summarizes the financing plan the District has undertaken, the existence, if any,
41 of capital and operation and maintenance assessments, and the facilities and services that
42 the District provides and maintains. This Disclosure is then provided by the District to the
43 developer to satisfy the requirements of Section 190.009, *Florida Statutes*, and is also
44 available for inspection by residents and prospective residents.
45

1 **24. Would you please describe the proposed timetable for development of land within the**
2 **proposed District?**

3
4 It is anticipated that the District improvements will be made, acquired, constructed and/or
5 installed from 2024-2026.
6

7 **25. Has all of the developable land within the proposed District been planned as a single**
8 **community?**

9
10 Yes, the developable land, along with the master infrastructure to be maintained by the
11 proposed District that will service the developable land, although anticipated to be
12 constructed in multiple phases, is planned as a single community.
13

14 **26. Would you generally describe the services and facilities you currently expect the**
15 **proposed District to provide?**

16
17 The Petitioner presently intends for the District to be involved in providing the following
18 services and facilities: stormwater management system, onsite and offsite roadway
19 improvements, lift station, water and sewer improvements, entry features and signage,
20 recreation features and amenities, undergrounding for streetlights, and related
21 improvements. The facilities are outlined in Composite Exhibit 7 of the Petition.
22

23 **27. Did you cause the cost estimates identified in Composite Exhibit 7 to be prepared?**

24
25 Yes, the cost estimates were prepared under my supervision and direction.
26

27 **28. What methods were used to estimate these costs?**

28
29 The estimates are based on research regarding historical costs of constructing similar
30 infrastructure and current market conditions.
31

32 **29. In your opinion, are the cost estimates for the facilities for the proposed District**
33 **reasonable?**

34
35 Yes, to the best of my knowledge and based on the information available.
36

37 **30. In general, what financing methods does the Petitioner propose the District may use**
38 **to pay for the anticipated facilities and services?**

39
40 Petitioner presently expects that the District will finance facilities and services through the
41 issuance of tax-exempt bonds, special assessments and through other available financing
42 mechanisms. The debt issued by the proposed District is expected to be retired by non-ad
43 valorem assessments (also known as "special assessments") on benefitted property within
44 the proposed District. Ongoing maintenance and operation of the District and its facilities
45 and services are expected to be funded by non-ad valorem special assessments. Any

1 facilities not financed with a bond issue may be funded by the developer using conventional
2 financing options.

3
4 **31. Who will be responsible for paying the proposed District's assessments?**

5
6 Only current property owners and those who choose to acquire property within the
7 proposed District will be responsible for paying District assessments.

8
9 **32. Will these proposed District debts be an obligation of the Town, County, or the State**
10 **of Florida?**

11
12 No. The debts will be solely the District's obligation and secured by non-ad valorem
13 assessments levied against property owners. Florida law provides that CDD debt cannot
14 become the obligation of a county, a city or town, or the state without the consent of that
15 government.

16
17 **33. Why is the Petitioner seeking to have a CDD established for this area?**

18
19 There are hundreds of CDDs throughout the State of Florida. CDDs are an efficient,
20 effective way to provide infrastructure and have become accepted in the marketplace to
21 homebuyers. CDDs have the ability to assist in the streamlined and efficient maintenance
22 and operation of infrastructure and services to developing communities.

23
24 From our perspective, the establishment of a CDD is logical for this project. It provides a
25 long-term, stable, financially secure entity. The proposed District is a structured, formal
26 entity with the legal ability to respond to future changes in the circumstances and desires
27 of its residents. Under Florida law, the proposed District has access to Polk County's tax
28 collection mechanisms, which helps ensure that the facilities will be maintained. In that
29 sense, it is preferable over control by a property owners association.

30
31 Additionally, a CDD has the ability to enter into interlocal agreements with other
32 government entities. These allow a CDD to work with other government entities to
33 complete projects that benefit residents within the CDD boundaries while also assisting
34 local governments in completing infrastructure necessary to serve growth.

35
36 A CDD has the financial capability to assist in the provision of necessary capital
37 improvements sooner than may otherwise be the case. The Town, developers, builders and
38 residents will all benefit from these improvements in terms of access, traffic flow, safety
39 and general property enhancement. Additionally, a CDD is the entity preferred by many
40 regulatory agencies, including many water management districts, to operate and maintain
41 the stormwater management and other similar systems. This is because the CDD is a
42 perpetual entity, operating in open meetings, with the financial ability to ensure that the
43 maintenance of these important environmental facilities and amenities is accomplished.
44 Given the nature of this project, in my opinion, a CDD is a logical, prudent, and desirable
45 way to ensure this needed infrastructure is maintained.

1 **34. Does this conclude your testimony?**
2
3 Yes.

BEFORE THE TOWN COUNCIL OF THE
TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 WATER TANK ROAD COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Reinardo (Rey) Malave, P.E., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name Reinardo (Rey) Malave, P.E., and I am employed by Dewberry Engineers Inc. as an Associate Vice President and Department Manager, Water Sector Engineering.
3. The prepared written pre-filed testimony consisting of ten (10) pages, submitted under my name to the Town Council of the Town of Lake Hamilton, Florida relating to the Petition to Establish Water Tank Road Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Water Tank Road Community Development District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience, and qualifications concerning land development and the construction of public infrastructure as a professional engineer and related matters are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony generally addresses the nature of the proposed development plan of public infrastructure of the Water Tank Road Community Development District.

7. No corrections or amendments to my pre-filed testimony or the Petition and its exhibits are required.

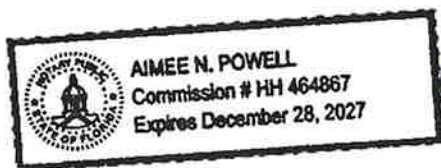
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

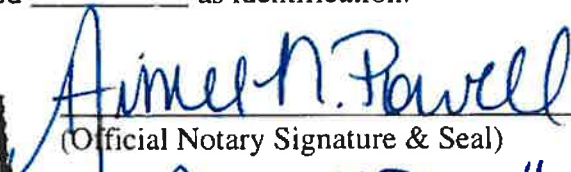
Executed this 6 day of February 2024.


Reinardo Malave, P.E.

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 6th of February 2024, by Reinardo Malave, P.E., who is personally known to me or who has produced _____ as identification.




(Official Notary Signature & Seal)
Name: Aimee N. Powell
Personally Known ✓
OR Produced Identification _____
Type of Identification _____

1 **TESTIMONY OF REINARDO “REY” MALAVE, P.E., FOR ESTABLISHMENT OF**
2 **WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**
5

6 My name is Reinardo “Rey” Malave, P.E., and my business address is 800 N. Magnolia
7 Avenue, Orlando, Florida 32803.
8

9 **2. By whom are you employed and in what capacity?**
10

11 I am employed by Dewberry Engineers Inc. as Associate Vice President and Department
12 Manager, Municipal Engineering.
13

14 **3. How long have you been in the engineering field?**
15

16 43 years.
17

18 **4. Does your firm, Dewberry Engineers Inc., represent Petitioner, Cassidy Land**
19 **Development, LLC?**
20

21 Yes. My firm serves as Consulting Engineer to the Petitioner.
22

23 **5. Please give your educational background, with degrees earned, major areas of study**
24 **and institutions attended.**
25

26 BSCE – University of Puerto Rico 1978
27 MBA – Keller School of Management – DeVry University
28

29 **6. Do you have any professional licenses, registrations, or certifications?**
30

31 I hold a license as a Professional Engineer in the State of Florida.
32

33 **7. Are you a member of any professional associations?**
34

35 Yes - FES, ASCE, NSPE, FL AWWA.
36

37 **8. Please summarize your previous experience as it relates to public facility design and**
38 **construction and land development and planning.**
39

40 I have over 40 years of Civil Engineering experience. I am a project manager for large
41 master planned communities, large and small residential developments, commercial and
42 office developments, municipal roadways and recreation projects. I have assisted in the
43 development of more than ten communities with special district overlays as well as manage
44 numerous projects throughout Florida.
45

46 **9. Are you familiar with the Petition (“Petition”), filed by Cassidy Land Development,**

1 **LLC (“Petitioner”) on December 19, 2023, seeking the establishment of Water Tank**
2 **Road Community Development District (“Proposed District”)?**
3

4 Yes. I assisted the Petitioner with the preparation of the engineering and land related
5 exhibits filed with the Petition and reviewed others.
6

7 **10. Have you been involved in any developments of the type and nature similar to those**
8 **in the Proposed District?**
9

10 Yes. I have been involved in several developments that contain similar necessary public
11 infrastructure facilities for planned community development.
12

13 **11. Are you familiar with those parcels of land proposed to be included in the Proposed**
14 **District that are located within the Town of Lake Hamilton?**
15

16 Yes, I am.
17

18 **12. Are you generally familiar with the geographical area, type, and scope of development**
19 **and the available services and facilities in the vicinity of the Proposed District?**
20

21 Yes, I am.
22

23 **13. What has been your role with respect to the Proposed District’s establishment**
24 **proceedings?**
25

26 I prepared, or had prepared under my supervision, the engineering exhibits included in the
27 Petition, which includes the estimated costs of construction and future ownership and
28 maintenance exhibits, among others, to the Petition.
29

30 **14. Have you reviewed the Petition and approved its contents?**
31

32 Yes, I have.
33

34 **15. Did you prepare, or have others under your supervision prepare, any of the exhibits**
35 **attached to the Petition?**
36

37 Yes, Exhibits 1, 2, 4, 5, 6, and Composite Exhibit 7 were prepared by me or under my
38 supervision.
39

40 **16. Do any of those exhibits require any change or correction?**
41

42 No changes or corrections are required.
43

44 **17. To the best of your knowledge, are Exhibits 1, 2, 4, 5, 6, and Composite Exhibit 7 to**
45 **the Petition true and correct?**
46

1 Yes, to the best of my knowledge.
2

3 **18. In general, what do Exhibits 1, 2, 4, 5, 6, and Composite Exhibit 7 to the Petition**
4 **demonstrate?**

5
6 These exhibits demonstrate the general location and nature of the proposed improvements,
7 as well as legal descriptions of the proposed District boundaries. They also describe the
8 types of facilities, drainage and utilities maps, land use map, future ownership, operation
9 and maintenance, construction timelines, and the estimated costs of construction.
10

11 **19. Would you generally describe the services and facilities that the proposed District is**
12 **expected to provide?**

13
14 The Petitioner presently intends for the proposed District to participate in the acquisition
15 and/or construction of a stormwater management system, roadway improvements, utilities
16 (water and sewer systems, and undergrounding of streetlights) parks and amenities, entry
17 features, and offsite improvements, along with other public improvements and professional
18 fees as authorized under Chapter 190, Florida Statutes.
19

20 **20. Are the construction cost estimates for the proposed facilities for the Proposed**
21 **District, as identified in Exhibit 7, reasonable?**

22
23 Yes, I have reviewed the construction cost estimates and, to the best of my knowledge,
24 information and belief and based on the information available, the construction cost
25 estimates for the Proposed District improvements are reasonable based on my experience
26 and knowledge of the local construction industry.
27

28 **21. Based upon your training and experience as a professional engineer, do you have an**
29 **opinion as to whether the proposed District is of sufficient size, sufficient**
30 **compactness, and sufficient contiguity to be developed as a functional interrelated**
31 **community?**

32
33 Yes, I do have an opinion.
34

35 **22. What is your opinion?**
36

37 My opinion is that it meets the indicated requirements to be a functional interrelated
38 community because it has sufficient size, sufficient compactness and sufficient contiguity.
39

40 **23. What is the basis for your opinion?**
41

42 For many reasons, the Proposed District facilities can be provided in an efficient, functional
43 and integrated manner. First, the lands to be included within the Proposed District have
44 sufficient significant infrastructure needs to be developable as a functionally interrelated
45 community. Second, this necessary infrastructure can be provided by the Proposed District
46 in a cost-effective manner based upon the specific design of the community. Furthermore,

1 the use of one development plan whose infrastructure is implemented by a community
2 development district to provide the community services and facilities will ensure that the
3 proposed improvements are provided and maintained in an efficient, functional and
4 integrated manner.

- 5
6 **24. As a professional engineer, do you have an opinion as to whether the services and**
7 **facilities to be provided by the Proposed District will be incompatible with the**
8 **capacities and uses of existing local and regional community development facilities**
9 **and services?**

10
11 My opinion is that the Proposed District will not be incompatible with the capacities and
12 uses of existing local and regional community facilities and services.

- 13
14 **25. What is the basis for your opinion?**

15
16 There is no duplication or overlap of facilities or services because no other entity or unit of
17 government is presently funding or providing the improvements proposed by the Proposed
18 District. Therefore, the Proposed District will be an efficient entity to participate in the
19 construction and maintenance of the necessary infrastructure improvements.

- 20
21 **26. As a professional engineer, do you have an opinion as to whether the area to be**
22 **included within the Proposed District is amenable to being served by separate special**
23 **district government?**

24
25 Yes. The Proposed District encompasses approximately 289 acres. First, a project of this
26 size is large enough to support its own community with individual facility and service
27 needs. Second, the Proposed District can be utilized as an efficient long-term mechanism
28 to ensure that the residents of the Proposed District pay for and receive proper and required
29 maintenance for all public improvements throughout the community. Therefore, my
30 opinion is that the area within the Proposed District is amenable to separate special district
31 government.

- 32
33 **27. As a professional engineer, do you have an opinion as to whether the Proposed District**
34 **is the best alternative to provide the proposed community development services and**
35 **facilities to the area that will be served?**

36
37 Yes.

- 38
39 **28. What is your opinion?**

40
41 It is my opinion that the Proposed District is the best alternative to provide the proposed
42 services and facilities within the Proposed District.

- 43
44 **29. What is the basis of your opinion?**

45 The Proposed District is a long-term, stable, perpetual entity capable of funding,
46 constructing and, in some cases, maintaining the facilities over the lifetime of the facilities

1 because the Proposed District has the advantage of being a unit of local government, which
2 has access to the tax-exempt bond market. Neither a property owners' nor homeowners'
3 association (POA/HOA) has the ability to finance infrastructure of the nature and scope
4 contemplated here, or manage the construction, acquisition or maintenance of the public
5 infrastructure, in the same high quality and efficient manner as the Proposed District.
6 Neither is authorized to place a first lien on property if the owner does not pay its
7 maintenance assessments. Overall, the Proposed District would be a more timely, reliable
8 and cost-efficient mechanism to deliver and maintain the needed community
9 improvements.

10
11 **30. Do you have an opinion, as someone experienced in land planning, as to whether the**
12 **Proposed District is a viable alternative for delivering community services and**
13 **facilities to the areas that will be served by the Proposed District?**
14

15 Yes. It is my opinion that the Proposed District is a viable alternative for providing the
16 proposed services and facilities to the land to be included within the Proposed District.
17

18 **31. What are the alternatives contemplated in rendering this opinion?**
19

20 There would be two alternatives to the establishment of the Proposed District. First, to
21 facilitate economic development, accommodate new growth, and provide new services, the
22 Town of Lake Hamilton could perhaps provide the selected facilities. The second
23 alternative would be for the developer or POA/HOA to provide the infrastructure using
24 private financing.
25

26 **32. Can you provide an example of a service or facility and explain why a CDD is a**
27 **preferred alternative for long-term operation and maintenance?**
28

29 Yes. An example would be a stormwater management system. By statute, CDDs and
30 property owners' associations are permitted to operate and maintain these systems.
31 However, homeowners' associations or POAs are generally required by typical water
32 management district rules to provide significantly more information and documentation
33 before they are authorized to operate and maintain a stormwater management system and
34 HOA/POA's are not the preferable maintenance entity for water management districts.
35 Such documentation generally must (i) indicate that the association has the required
36 financial capabilities, (ii) mandate that the association will operate and maintain such
37 systems and (iii) provide that the association cannot be dissolved until another entity is
38 found to maintain the system.
39

40 A CDD, which is generally considered to be a more secure financial, legal and
41 administrative entity, generally must simply provide a letter to the water management
42 district committing that the CDD will accept operation and maintenance responsibility. All
43 things being equal, a CDD is preferred over a homeowners' or property owners' association
44 for operation and maintenance of a stormwater management system.

45 **33. How does the proposed District compare to these alternatives?**
46

1 By comparison of the alternatives referenced above, from a planning perspective, the
2 Proposed District is the best alternative available to provide the necessary infrastructure
3 improvements. As a special-purpose "local government," the Proposed District is a stable,
4 long-term public entity capable of constructing, maintaining and managing the proposed
5 elements of infrastructure of the necessary facilities and services. The limited purpose and
6 scope of the Proposed District, combined with the statutory safeguards in place, such as
7 notice of public hearings and access to district records, would ensure that the Proposed
8 District is responsive to the infrastructure needs of the residents and landowners of the
9 Proposed District. The Proposed District would be able to obtain low-cost financing to
10 provide the necessary improvements and then impose special or non-ad valorem
11 assessments upon the property owners within the Proposed District to fund the
12 infrastructure.

13
14 Only a CDD allows for the independent financing, administration, operation and
15 maintenance of the land within the CDD. Only a CDD allows property owners, and
16 eventually residents, to completely control the CDD board and, therefore, the timing and
17 extent of infrastructure improvement and maintenance and at a much earlier turnover than
18 HOA's (6 years and 250 registered voters). Knowing when, where and how infrastructure
19 will be needed to service the projected population of an area allows for the smooth delivery
20 of those facilities. The Proposed District exceeds other available alternatives at focusing
21 attention to when and where and how the next system of infrastructure will be required for
22 this specific area. This results in a full utilization of existing facilities before new facilities
23 are constructed. It reduces the delivered cost to the citizens being served. All other
24 alternatives do not have these characteristics.

25
26 **34. In the course of your work in Florida, have you had an opportunity to work with the**
27 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

28
29 Yes. In the course of producing planning documents for private development proposals, I
30 have often referred to the State Comprehensive Plan.

31
32 **35. In the course of your work in Florida, have you had an opportunity to review local**
33 **government comprehensive plans?**

34
35 Yes.

36
37 **36. At this point, I will ask you to address certain matters that are related to land use and**
38 **comprehensive planning. Are you familiar with the development approvals that have**
39 **been obtained or are being sought by the Petitioner to govern the lands within the**
40 **proposed District?**

41
42 Yes, I am.

43
44 **37. Based upon your training and experience as a civil engineer specializing in land**
45 **development, do you have an opinion as to whether the Proposed District is**
46 **inconsistent with any portion or element of the State Comprehensive Plan found in**

1 **Chapter 187, *Florida Statutes*?**

2
3 Yes.

4
5 **38. What is that opinion?**

6
7 In my professional opinion, the Proposed District is not inconsistent with the applicable
8 provisions of Chapter 187, *Florida Statutes*.
9

10 **39. What is the basis for your opinion?**

11
12 I have reviewed, from a planning perspective, applicable portions of the State
13 Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides
14 long-range policy guidance for the orderly social, economic, and physical growth of the
15 state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous
16 goals and policies. Three subjects are particularly relevant, from a planning perspective to
17 the establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 -
18 Plan Implementation. Several of the policies and goals are particularly supportive of the
19 establishment of the Proposed District.
20

21 **40. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**
22 **of the Proposed District?**

23
24 This goal recognizes the importance of enhancing the quality of life in the State of Florida
25 and attempts to do so by ensuring that development is located in areas that have fiscal
26 abilities and service capacity to accommodate growth. CDDs are designed to provide
27 services and facilities in a fiscally responsible manner to areas which can accommodate
28 development. The proposed District is consistent with this goal because it will continue to
29 have the fiscal capability to provide a range of services and facilities to a population in a
30 designated growth area.
31

32 **41. Are any of the policies under subject No. 15 relevant?**

33
34 Yes. Policy 1 of subject No. 15 promotes efficient development activities in areas which
35 will have the capacity to service new populations and commerce. The Proposed District
36 will be a vehicle to provide high quality services in an efficient and focused manner over
37 the long term.
38

39 **42. What is Subject 17 and why is it relevant?**

40
41 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,
42 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
43 facilities should be allocated to existing and future residents on the basis of the benefits
44 received. Policy 6 also encourages the identification and implementation of innovative but
45 fiscally sound and cost-effective techniques for financing public facilities. Establishment
46 of the Proposed District will further this goal and related policies.

1
2 **43. Why is subject No. 25, the other subject you mentioned, relevant to the establishment**
3 **of the Proposed District?**
4

5 Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning
6 capabilities be integrated into all levels of government throughout the state, with particular
7 emphasis on improving inter-governmental coordination and maximizing citizen
8 involvement. The Proposed District will operate through a separate and distinct Board of
9 Supervisors who will systematically plan the construction, operation and maintenance of
10 public improvements and community facilities authorized under Chapter 190, *Florida*
11 *Statutes*, subject to and not inconsistent with the local government comprehensive plan and
12 land development regulations. Further, meetings held by the Board of Supervisors are
13 publicly advertised and open to the public.
14

15 **44. Are there any relevant policies in this portion of the State Comprehensive Plan?**
16

17 Yes. Policy 6 of subject No. 25 encourages public citizen participation at all levels of
18 policy development, planning and operations. Under Chapter 190, *Florida Statutes*, six (6)
19 years after the establishment of a CDD, and after two hundred and fifty (250) electors
20 reside in the CDD, the election of the Board of Supervisors begins to transition from a
21 landowner-elected Board to a resident-elected Board. Regardless of whether the board is
22 elected by the landowners or the residents, the District must convene its meetings in
23 accordance with government in the sunshine provisions set forth in Chapter 286, *Florida*
24 *Statutes*. This encourages citizen participation in the planning and operational activities of
25 the CDD, including the Proposed District.
26

27 **45. Based upon your training and experience as a land development engineer, do you**
28 **have an opinion as to whether establishment of the proposed District is inconsistent**
29 **with any portion or element of the Town of Lake Hamilton or Polk County**
30 **Comprehensive Plan?**
31

32 Yes, I do.
33

34 **46. What is that opinion?**
35

36 In my professional opinion, the establishment of the Proposed District is not inconsistent
37 with any applicable provisions of either the Town of Lake Hamilton nor Polk County's
38 Comprehensive Plans.

1 **47. What is the basis for that opinion?**

2
3 Since Chapter 190, *Florida Statutes*, prohibits any community development district from
4 acting in a way inconsistent with the local government's comprehensive plan, the
5 exercising of any power must be done with the comprehensive plan in mind. In addition,
6 the following elements of the Town of Lake Hamilton's Comprehensive Plan generally
7 relate to and are consistent with establishment of the Proposed District. The following
8 policies and elements specifically support my opinion:
9

10 Development Policies

- 11
 - 12 • Future Land Use Element-
13 **GOAL 1:** ACHIEVE AN OPTIMUM PATTERN OF FUTURE
14 LAND USES IN HARMONY WITH THE NATURAL
15 RESOURCES OF THE LAND; THE EXISTING LAND USE
16 PATTERNS OF BOTH THE TOWN AND ITS ENVIRONS; THE
17 PHYSICAL, ECONOMIC, AND SOCIAL NEEDS OF THE
18 TOWN AND ITS CITIZENS; AND THE ABILITY TO PROVIDE
19 EFFECTIVE AND EFFICIENT PUBLIC
 - 20 • Conservation Element-
21 **GOAL 1:** PROTECT, CONSERVE, ALL NATURAL
22 RESOURCES WITHIN THE TOWN SO AS TO MAINTAIN
23 BOTH A HIGH LEVEL OF PHYSICAL AMENITIES AND A
24 HIGH QUALITY OF LIFE FOR THE TOWN'S RESIDENTS.

25 Public Facilities Policies – The Proposed District will have both the funding
26 source and the authority to provide needed infrastructure and services to this
27 compact, urban growth including:

- 28
 - 29 • Infrastructure Element-
30 **SANITARY SEWER:**
31 **GOAL 1:** PROVIDE COST-EFFECTIVE SEWAGE DISPOSAL
32 FACILITIES CONSISTENT WITH PUBLIC HEALTH
33 REQUIREMENTS, THE PRACTICAL PROTECTION OF
34 WATER RESOURCES, AND THE FINANCIAL CAPABILITIES
35 OF THE TOWN AND ITS
36 CITIZENS.
37 **SOLID WASTE:**
38 **GOAL 2:** THE TOWN SHALL PROVIDE FOR THE
39 COLLECTION AND ENVIRONMENTALLY SOUND
40 DISPOSAL OF ALL NONHAZARDOUS SOLID WASTE
41 GENERATED WITHIN ITS JURISDICTION.
42 **DRAINAGE:**
43 **GOAL 3:** ACHIEVE AND MAINTAIN AN EFFECTIVE
44 DRAINAGE SYSTEM WITHIN THE TOWN TO ENSURE THE
45 PROPER MANAGEMENT OF THE QUANTITY AND
46 QUALITY OF STORMWATER RUNOFF.
 POTABLE WATER:

GOAL 5: ACHIEVE AND MAINTAIN A COST-EFFECTIVE POTABLE WATER DISTRIBUTION SYSTEM WITHIN THE TOWN TO PROVIDE A RELIABLE AND AMPLE SUPPLY OF POTABLE

WATER TO MEET THE EXISTING AND PROJECTED NEEDS OF ALL RESIDENTS

- Recreation and Open Space Element-

GOAL: ACHIEVE AND MAINTAIN A COMPREHENSIVE SYSTEM OF RECREATION FACILITIES AND OPEN SPACE AREAS WHICH IS CONSISTENT WITH THE LIFESTYLES AND NEEDS OF THE TOWN'S RESIDENTS AND IS WITHIN THE FINANCIAL CAPABILITIES OF THE TOWN.

Implementation Policies

- Intergovernmental Coordination Element-

GOAL 1: IMPROVE GOVERNMENTAL EFFICIENCY AND EFFECTIVENESS AND THE RESOLUTION OF POTENTIAL CONFLICTS AND INCOMPATIBILITIES THROUGH COOPERATION, COMMUNICATION, AND FLEXIBLE RELATIONSHIPS BETWEEN THE TOWN OF LAKE HAMILTON AND OTHER GOVERNMENTAL BODIES HAVING ISSUES THAT AFFECT THE TOWN.

- Capital Improvement Element-

GOAL: IT SHALL BE THE GOAL OF THE TOWN OF LAKE HAMILTON TO PROVIDE NECESSARY PUBLIC FACILITIES AND SERVICES FOR ALL EXISTING AND FUTURE DEVELOPMENT, AT ADOPTED LEVEL OF SERVICE STANDARDS, THROUGH A PROCESS THAT PERMITS DEVELOPMENT CONCURRENT WITH THE ABILITY OF THE TOWN TO PROVIDE SUCH FACILITIES AND SERVICES.

It is my opinion, therefore, that with respect to the establishment of the Proposed District, the establishment will not be inconsistent with any applicable element or portion of the Town of Lake Hamilton's Comprehensive Plan. Further, the Proposed District and its low cost of financing and as a long term high quality maintenance entity will ensure consistency with the Town of Lake Hamilton's Comprehensive Plan goals.

48. Does this conclude your testimony?

Yes, it does.

**BEFORE THE TOWN OF LAKE HAMILTON, FLORIDA
TOWN COUNCIL**

**PETITION TO ESTABLISH
WATER TANK ROAD
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Cassidy Land Development, LLC, a Florida limited liability company (hereafter "Petitioner"), hereby petitions the Town Council of the Town of Lake Hamilton pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District (hereafter "District"), with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District will be located entirely within the Town of Lake Hamilton, Florida (hereafter "Town"). **Exhibit 1** depicts the general location of the lands comprising the proposed District. The proposed District covers approximately 289 acres of land, more or less. The metes and bounds legal descriptions and sketches of the lands that form the external boundaries of the District are set forth in **Composite Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the proposed District.

3. Landowner Consent. Petitioner has obtained written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the District. Documentation of consents to the establishment of the District are contained in **Composite Exhibit 3**.

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name:	Lauren Schwenk
Address:	346 East Central Avenue Winter Haven, Florida 33880

Name: Rennie Heath
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Daniel Arnette
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Lindsey Roden
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Jessica Petrucci
Address: 346 East Central Avenue
Winter Haven, Florida 33880

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Water Tank Road Community Development District.

6. Existing and Future Land Uses. **Exhibit 4** shows the existing use for the lands contained in the proposed District and surrounding areas. The distribution, location, and extent of the public and private land uses proposed for the District by the future land use plan element of the Town's Future Land Use Plan are depicted in **Exhibit 5**. The proposed land uses for lands contained within the proposed District are consistent with the approved Town's Future Land Use Plan.

7. Major Water and Wastewater Facilities. **Exhibit 6** indicates the location of major outfall canals and drainage basins for the lands within the proposed District as well as the location of existing major trunk water mains, reuse water mains and wastewater interceptors within the currently undeveloped lands proposed to be included within the District.

8. District Facilities and Services. The District is presently expected to finance, construct, and install improvements and facilities to benefit the lands within the District in one (1) phase over an estimated three (3) year period from 2023 through 2025. **Composite Exhibit 7** describes the types of facilities the District presently expects to finance, construct, and install, as well as the entities anticipated for future ownership, operation, and maintenance. The estimated costs of construction are also identified in **Composite Exhibit 7**. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, *Florida Statutes* (2023). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The authorized agent for the Petitioner is Lauren Gentry, Esq. of Kilinski | Van Wyk PLLC (see **Exhibit 9** - Authorization of Agent.) Copies of all correspondence and official notices should also be sent to:

Lauren Gentry, Esq.
Kilinski | Van Wyk PLLC
517 E. College Avenue
Tallahassee, Florida 32301

11. This petition to establish the Water Tank Road Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan, or the Town Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the District will prevent the general body of taxpayers in the Town from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Town Council of the Town of Lake Hamilton to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), *Florida Statutes* (2023);

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2023);

c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, enlarge or extend, equip, operate, and maintain systems and facilities for: parks and facilities for indoor and outdoor recreation, cultural, and educational uses and for security, including, but not limited to walls, fences and electronic intrusion detection all as authorized and described by Section 190.012(2)(a) and (d), *Florida Statutes* (2023).

RESPECTFULLY SUBMITTED, this 19th day of December 2023.

KILINSKI | VAN WYK PLLC

/s/ LAUREN GENTRY

Lauren Gentry, Esq.

Florida Bar No. 120099

lauren@cddlattorneys.com

Kilinski | Van Wyk PLLC

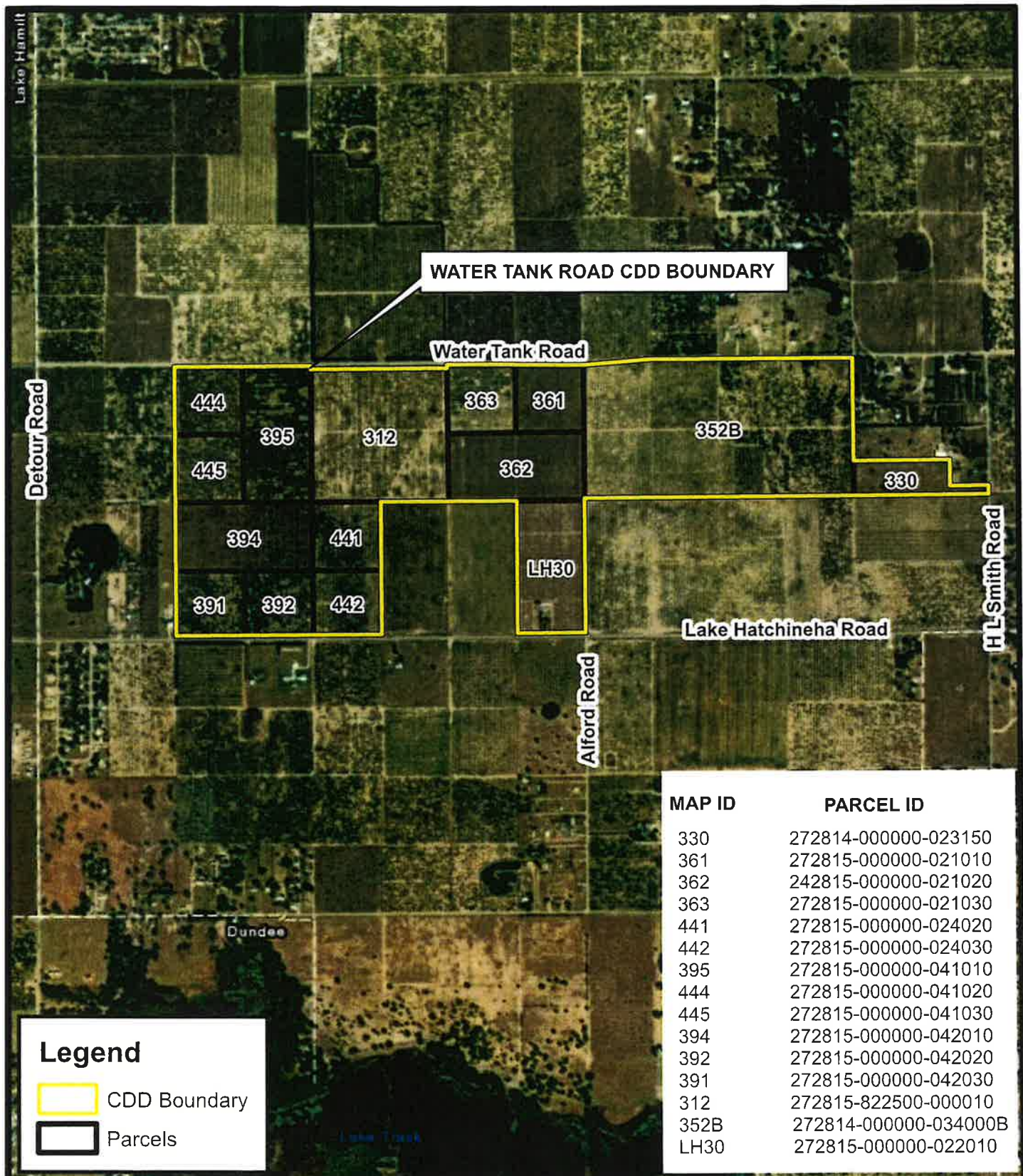
517 E. College Avenue

Tallahassee, Florida 32301

(877) 350-0372 (telephone)

Attorney for Petitioner

EXHIBIT 1



Legend

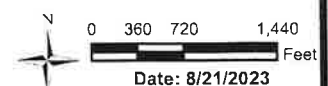
- CDD Boundary
- Parcels

MAP ID	PARCEL ID
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361	272815-000000-021010
362	242815-000000-021020
363	272815-000000-021030
441	272815-000000-024020
442	272815-000000-024030
395	272815-000000-041010
444	272815-000000-041020
445	272815-000000-041030
394	272815-000000-042010
392	272815-000000-042020
391	272815-000000-042030
312	272815-822500-000010
352B	272814-000000-034000B
LH30	272815-000000-022010

POLK COUNTY, FL

EXHIBIT 1 - LOCATION MAP WATER TANK ROAD CDD

APPROX. CDD BOUNDARY
AREA - 289 AC



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

COMPOSITE EXHIBIT 2

LEGAL DESCRIPTION:

A PORTION OF SECTIONS 14 AND 15, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 15; THENCE N89°00'52"E, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 15, A DISTANCE OF 1323.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°00'52"E, A DISTANCE OF 1323.79 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE S00°35'17"E, ALONG SAID WEST LINE, A DISTANCE OF 48.70 FEET; THENCE DEPARTING SAID WEST LINE, RUN N88°52'48"E, A DISTANCE OF 1323.96 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE N00°36'19"E, ALONG SAID EAST LINE, A DISTANCE OF 45.50 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15; THENCE N89°01'05"E, ALONG SAID SOUTH LINE, A DISTANCE OF 1323.44 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 14; THENCE N89°28'09"E, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 2624.54 FEET TO A POINT WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S00°26'38"E, ALONG SAID WEST LINE, A DISTANCE OF 999.03 FEET; THENCE DEPARTING SAID WEST LINE, RUN N89°25'40"E, A DISTANCE OF 936.05 FEET; THENCE S00°21'04"E, A DISTANCE OF 250.00 FEET; THENCE N89°25'40"E, A DISTANCE OF 375.97 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14; THENCE S00°19'07"W, ALONG SAID EAST LINE, A DISTANCE OF 82.56 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 SECTION 14; THENCE S89°24'42"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1310.42 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14; THENCE S89°24'43"W, ALONG SAID SOUTH LINE, A DISTANCE OF 2620.49 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14; THENCE S00°37'20"E, ALONG SAID WEST LINE, A DISTANCE OF 1334.57 FEET TO A POINT ON THE SOUTH LINE OF SECTION 15; THENCE S89°18'33"W, ALONG SAID SOUTH LINE OF SECTION 15, A DISTANCE OF 662.35 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE N00°36'50"W, ALONG SAID EAST LINE, A DISTANCE OF 1332.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE S89°09'50"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1324.30 FEET TO A POINT ON THE EAST LINE OF THE EAST 1/2 OF THE SOUTHEAST OF THE SOUTHWEST 1/4 OF SECTION 15; THENCE S00°35'48"E, ALONG SAID EAST LINE, A DISTANCE OF 1329.53 FEET TO A POINT ON THE SOUTH LINE OF SECTION 15; THENCE ALONG THE SOUTH LINE OF SECTION 15 THE FOLLOWING TWO (2) COURSES AND DISTANCES; S89°18'33"W, A DISTANCE OF 662.35 FEET; THENCE S89°22'01"W, A DISTANCE OF 1324.10 FEET TO A POINT ON THE WEST LINE OF THE WEST 1/2 OF THE SOUTH W 1/4 OF SECTION 15; THENCE N00°34'51"W, ALONG SAID WEST LINE, A DISTANCE OF 2647.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 289 ACRES MORE OR LESS

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

WATER TANK RD CDD

SECTIONS 14 & 15,
TOWNSHIP 28 SOUTH, RANGE 27 EAST

POLK COUNTY

FLORIDA



Dewberry

131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

CH DEV LLC

DATE: 08/25/2023
REV DATE:
SCALE 1" = N/A

PROJ: 50156285
DRAWN BY: WS
CHECKED BY: WPH

EXHIBIT 2

LEGAL DESCRIPTION

WATER TANK ROAD CDD

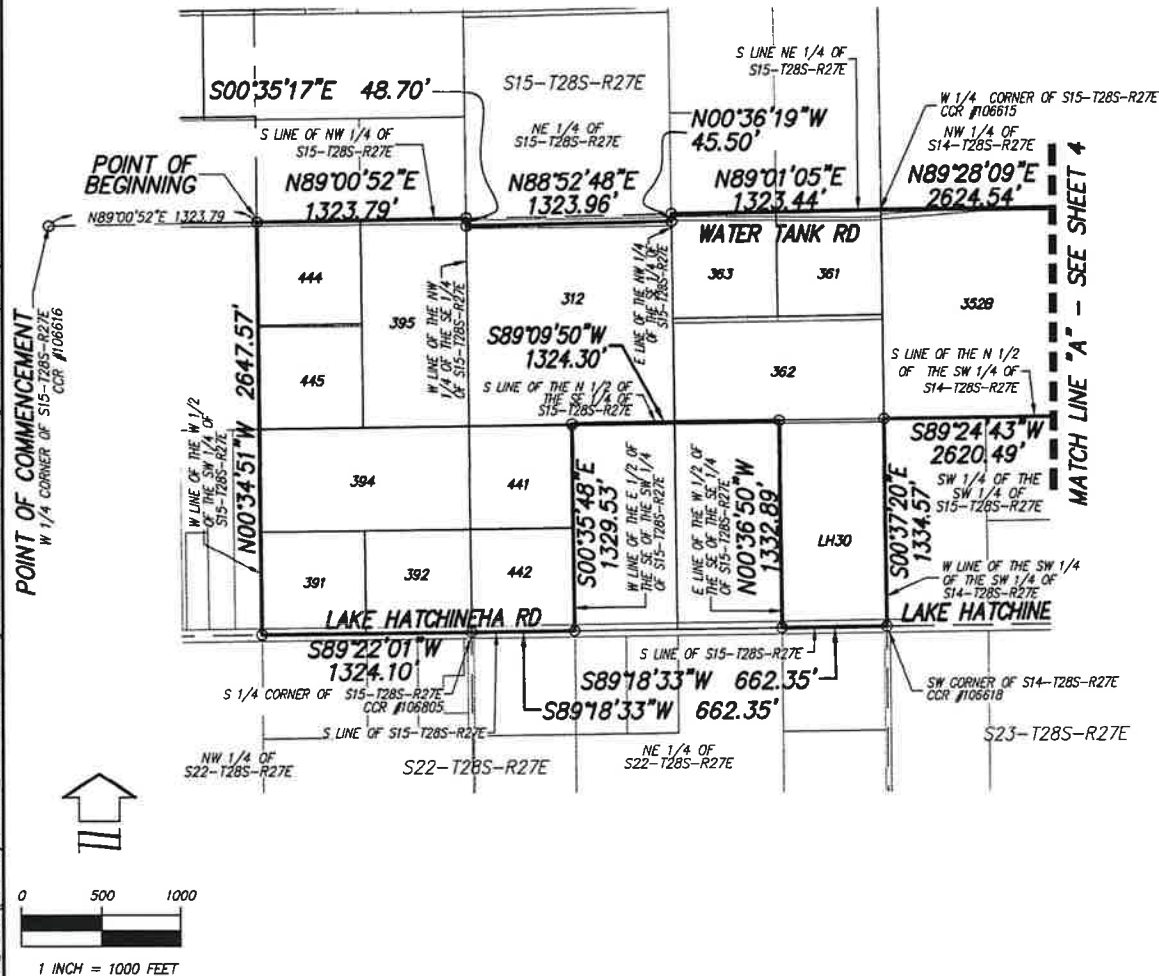


Dewberry

LEGEND:

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PCC	POINT OF COMPOUND CURVATURE	A	CENTRAL ANGLE
PNT	POINT OF NON-TANGENCY	CB	CHORD BEARING
PT	POINT OF TANGENCY	CL	CHORD LENGTH
R/W	RIGHT OF WAY	SF	SQUARE FEET
ORB	OFFICIAL RECORDS BOOK	AC	ACRES
PB	PLAT BOOK	SEC	SECTION

Drawing name: C:\Users\wasmolot\appdata\local\temp\14c9445a-142855 (50156285)-suratata Water Tank Road CDD.dwg DEW dms. & sketch Sheet 3 Aug 25, 2023 12:55pm by: wasmolot



SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

WATER TANK RD CDD

SECTIONS 14 & 15,
TOWNSHIP 28 SOUTH, RANGE 27 EAST

POLK COUNTY

FLORIDA



Dewberry

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ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

CH DEV LLC

DATE: 08/25/2023
REV DATE:
SCALE 1" = 1000'

PROJ: 50156285
DRAWN BY: WS
CHECKED BY: WPH

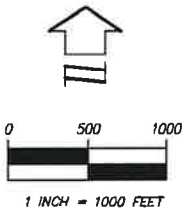
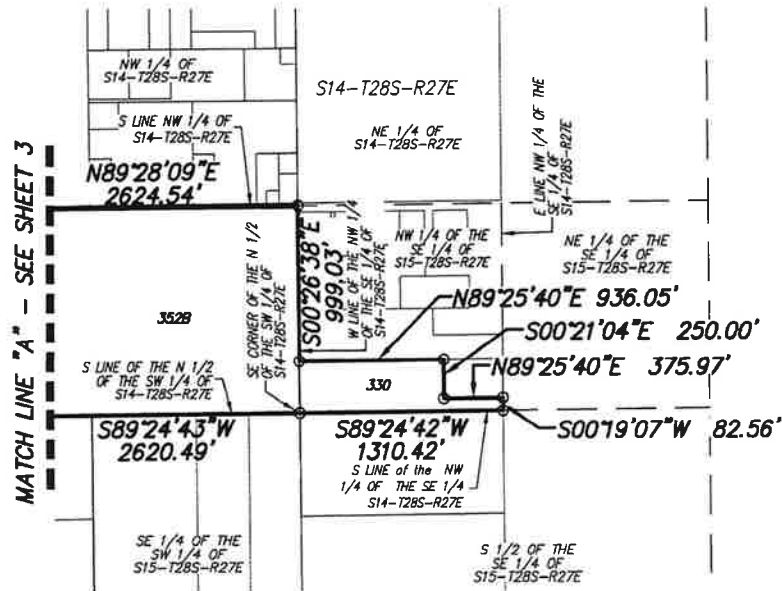


Dewberry

EXHIBIT 2 LEGAL DESCRIPTION WATER TANK ROAD CDD

LEGEND:

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PCC	POINT OF COMPOUND CURVATURE	R	RADIUS
PNT	POINT OF NON-TANGENCY	A	CENTRAL ANGLE
PT	POINT OF TANGENCY	CB	CHORD BEARING
R/W	RIGHT OF WAY	CH	CHORD LENGTH
ORB	OFFICIAL RECORDS BOOK	SF	SQUARE FEET
PB	PLAT BOOK	AC	ACRES
		SEC	SECTION



SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

WATER TANK RD CDD

SECTIONS 14 & 15,
TOWNSHIP 28 SOUTH, RANGE 27 EAST

POLK COUNTY

FLORIDA



Dewberry

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ORLANDO, FLORIDA 32806

PHONE: 321.354.9826 FAX: 407.648.9104
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CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

CH DEV LLC

DATE: 08/25/2023
REV DATE:
SCALE 1" = 1000'

PROJ: 50156285
DRAWN BY: WS
CHECKED BY: WPH

EXHIBIT 2

LEGAL DESCRIPTION

WATER TANK ROAD CDD



Dewberry

EXHIBIT 3

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**").

The undersigned understands and acknowledges that CASSIDY LAND DEVELOPMENT, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.


The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

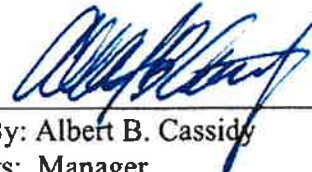
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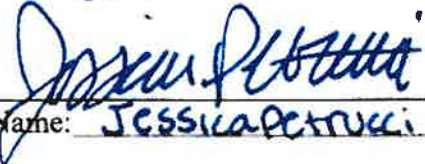
Executed this 4th day of December 2023.

WITNESSES:

ABC IRA, LLC, a Florida limited liability company


Print Name: Jessica Kowalski


By: Albert B. Cassidy
Its: Manager


Print Name: Jessica Petrucci

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 4th day of December 2023, by Albert B. Cassidy, as Manager of ABC IRA, LLC, who is personally known to me or who has produced _____ as identification.

[notary seal]


Print Name: Jessica Kowalski
Notary Public, State of Florida

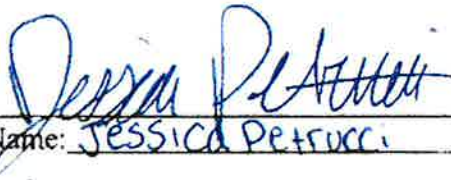



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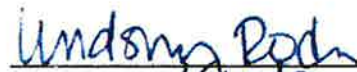
Executed this 5th day of December 2023.

WITNESSES:

SLC IRA, LLC, a Florida limited liability company


Print Name: Jessica Petrucci

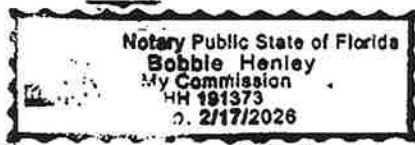

By: Steven L. Cassidy
Its: Manager


Print Name: Andsey Roden

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5th day of December 2023, by Steven L. Cassidy, as Manager of SLC IRA, LLC, who is personally known to me or who has produced _____ as identification.

[notary seal]




Print Name: Bobbie Henley
Notary Public, State of Florida

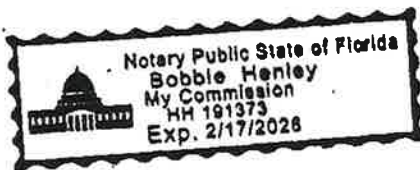


Exhibit A:
LEGAL DESCRIPTION

The Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida

Parcel Identification Number: 27-28-15-000000-024020

And

The Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida

Parcel Identification Number: 27-28-15-000000-024030

And

Parcel 3: 152827-000000-041020; 041030

Parcel 1: SW 1/4 of NW 1/4 of SW 1/4 , Section 15, Township 28 South, Range 27 East, Polk County, Florida.

Parcel 2: SW 1/4 of NE 1/4 of SW 1/4 , Section 15, Township 28 South, Range 27 East, Polk County, Florida.

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**").

The undersigned understands and acknowledges that CASSIDY LAND DEVELOPMENT, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

[signatures on following page]

Executed this 4th day of December 2023.

WITNESSES:

CASSIDY HOLDINGS, LLC, a Florida
limited liability company

By: ABCMM LLC

Its: Manager

[Signature]
Print Name: Jessica Kowalski

By: Albert B. Cassidy

Its: Manager

[Signature]
Print Name: Jessica Petrucci

STATE OF FLORIDA

COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 4th day of December 2023, by Albert B. Cassidy, as Manager
of ABCMM, LLC, as Manager of Cassidy Holdings, LLC, who is personally known to me or
who has produced _____ as identification.

[notary seal]

[Signature]
Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

Parcel Number: 272814-000000-034000B (a portion of)

The Southwest 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 14, Township 28 South, Range 27 East, Polk County, Florida, LESS AND EXCEPT road right of way for Water Tank Road.

Parcel Number: 272814-000000-034000

And

The East 1/2 of the Southeast 1/4 of the Southeast 1/4, LESS road right of way, lying in Section 15, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Identification Number: 272815-000000-022010

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

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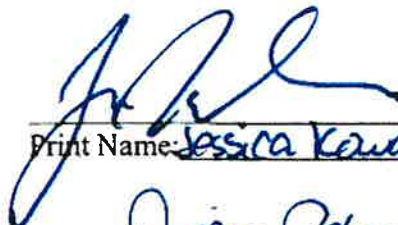
The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.


[signatures on following page]

Executed this 1st day of December 2023.

WITNESSES:

BERRY REAL ESTATE, LLC, a Florida
limited liability company


Print Name: Jessica Kowalski


By: Jack M. Berry III
Its: Manager


Print Name: Jessica Petrocci

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 1st day of December 2023, by Jack M. Berry III, as Manager
of Berry Real Estate, LLC, who is personally known to me or who has produced _____
_____ as identification.

[notary seal]

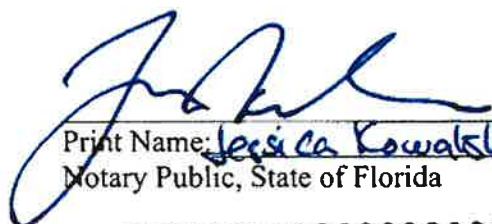

Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

The South $\frac{1}{4}$ of the South $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Less the East 375.00 feet of the North 250.00 feet in Section 14, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Identification Number: 272814-000000-023150

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**").

The undersigned understands and acknowledges that CASSIDY LAND DEVELOPMENT, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

[signatures on following page]

Executed this 4th day of December 2023.

WITNESSES:

CCR IRA, LLC, a Florida limited liability company


Print Name: Jessica Kowalski


By: Carol C. Rhinehart
Its: Manager


Print Name: Jessica Petrucci

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 4th day of December 2023, by Carol C. Rhinehart, as Manager of CCR IRA, LLC, who is ~~personally known~~ to me or who has produced _____ as identification.

[notary seal]


Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

The Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 28 South,
Range 27 East, Polk County, Florida.

272815-000000-021030

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**").

The undersigned understands and acknowledges that CASSIDY LAND DEVELOPMENT, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

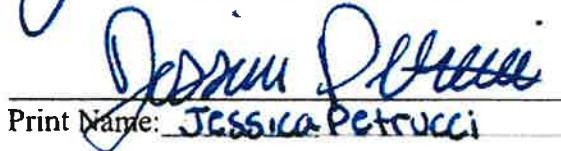
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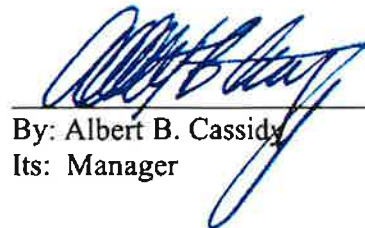
Executed this 4th day of December 2023.

WITNESSES:

**NORTHEAST POLK LAND
INVESTMENTS, LLC**, a Florida limited
liability company


Print Name: Jessica Kowalski


Print Name: Jessica Petrucci


By: Albert B. Cassidy
Its: Manager

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 4th day of December 2023, by Albert B. Cassidy, as Manager
of Northeast Polk Land Investments, LLC, who is personally known to me or who has produced
_____ as identification.

[notary seal]


Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

The East 1/2 of the Northeast 1/4 of the Southwest 1/4, of Section 15, Township 28 South, Range 27 East, Polk County, Florida, subject to maintained right-of-way for Water Tank Road.

Parcel Identification Number: 272815-000000-041010

And

**THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15,
TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA**

Parcel Identification Number: 272815-000000-042010

And

Parcel 16: (#152827-822500-000010)

All of Grove Tract No. 1 of THE REPLAT OF SMELTZER GROVE ADDITION, according to the map or plat thereof recorded in Plat Book 27, Page 46, Public Records of Polk County, Florida, also described as the NW 1/4 of the SE 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida, LESS all roadways of record or in use.

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**").

The undersigned understands and acknowledges that CASSIDY LAND DEVELOPMENT, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

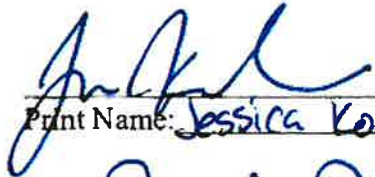
The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.


[signatures on following page]

Executed this 4th day of December 2023.

WITNESSES:

PHC I PROPERTY, LLC, a Florida
limited liability company


Print Name: Jessica Kowalski


By: Lauren O. Schwenk
Its: Manager


Print Name: Jessica Petroscci

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 4th day of December 2023, by Lauren O. Schwenk, as
Manager of PHC I Property, LLC, who is personally known to me or who has produced _____
_____ as identification.

[notary seal]


Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

Parcel Number: 272815-000000-021010

TRACT 15:

The East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida.

And

TRACT 17:

Parcel 1:

The Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida.

Parcel Number: 272815-000000-021020

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**").

The undersigned understands and acknowledges that CASSIDY LAND DEVELOPMENT, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

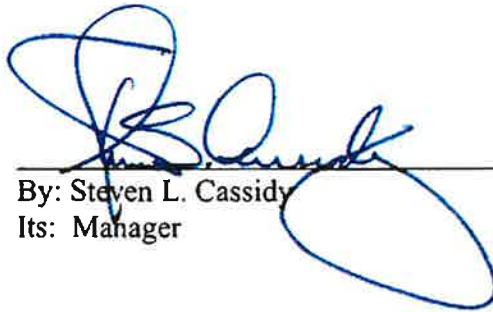
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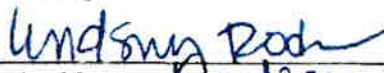
Executed this 5th day of December 2023.

WITNESSES:

SLC FAMILY INVESTMENTS LLC, a
Florida limited liability company


Print Name: Jessica Petrucci


By: Steven L. Cassidy
Its: Manager


Print Name: Lindsey Roden

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization this 5th day of December 2023, by Steven L. Cassidy, as
Manager of SLC Family Investments LLC, who is personally known to me or who has produced
_____ as identification.

[notary seal]


Print Name: Bobbie Hanley
Notary Public, State of Florida

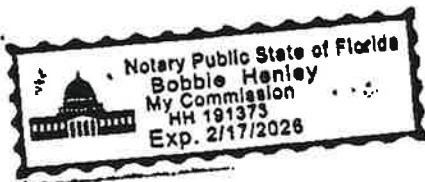


Exhibit A:
LEGAL DESCRIPTION

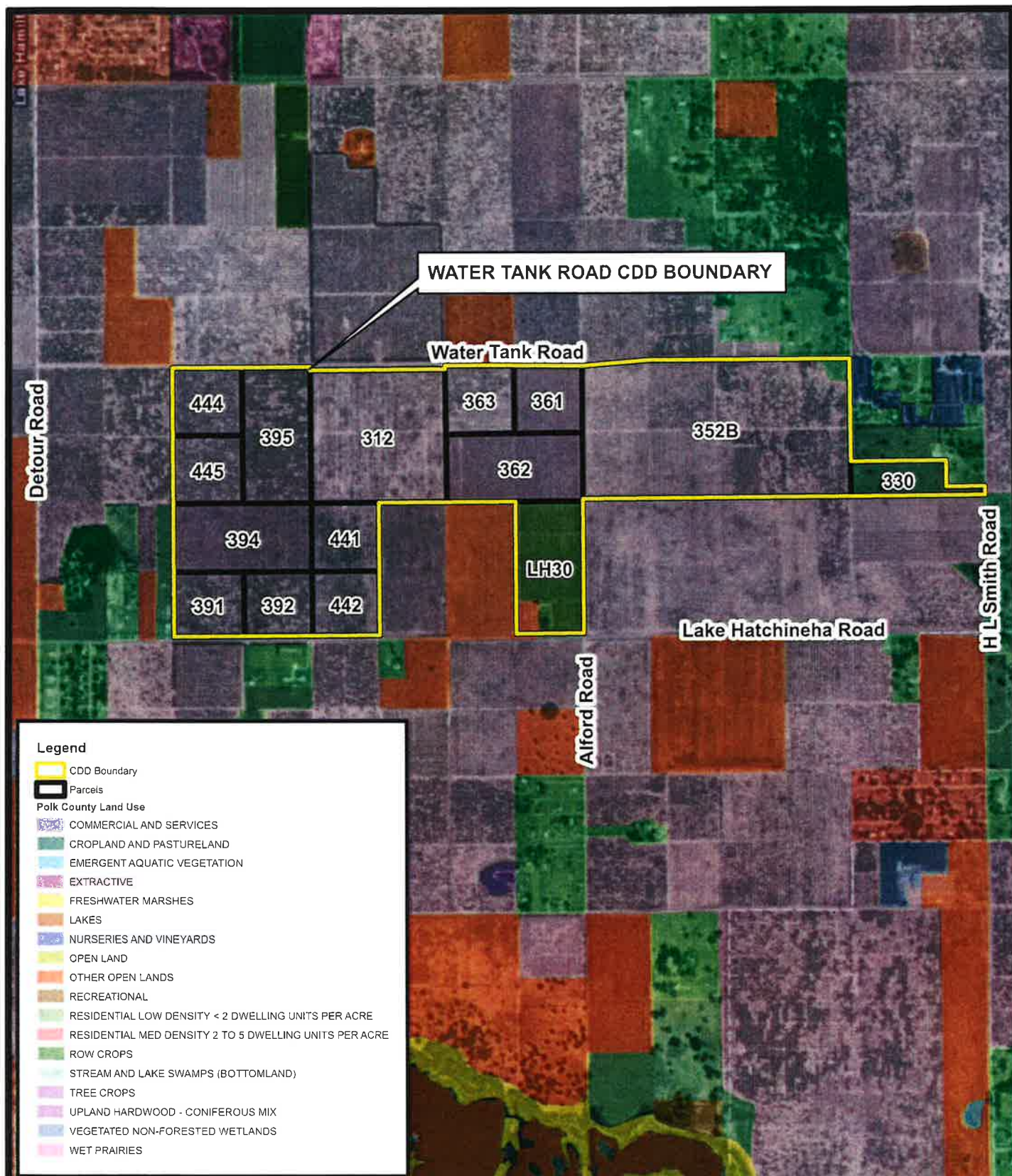
The Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 15, Township 28 South, Range 27 East, Polk County, Florida, LESS AND EXCEPT road right of way.

AND

The Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4, Section 15, Township 28 South, Range 27 East, Polk County, Florida, LESS road right-of-way for State Road 542.

Parcel Identification Number: 272815-000000-042020 and 272815-000000-042030

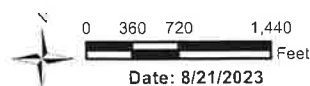
EXHIBIT 4



POLK COUNTY, FL

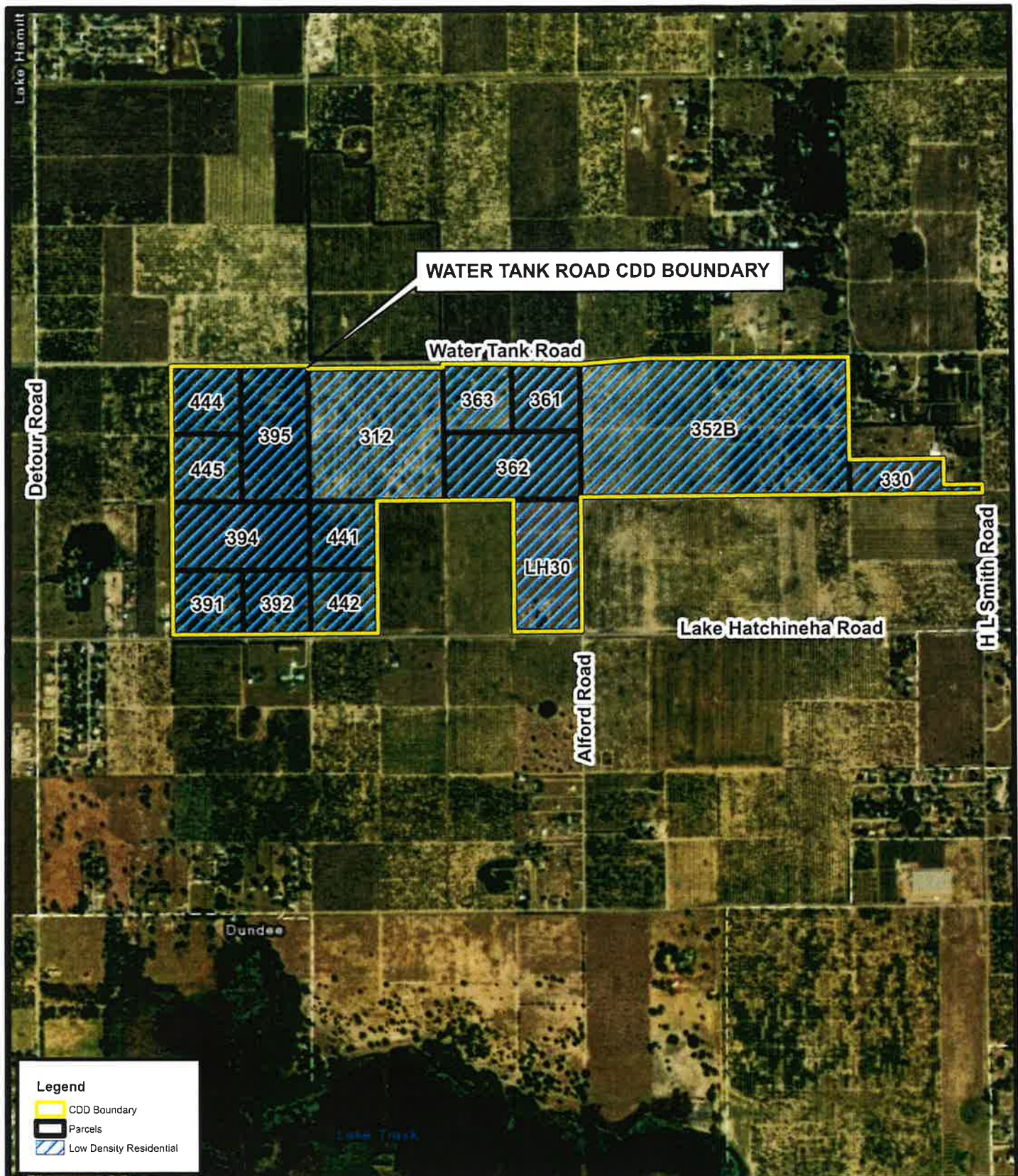
EXHIBIT 4 ZONING MAP WATER TANK ROAD CDD

APPROX. CDD BOUNDARY
AREA - 289 AC



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

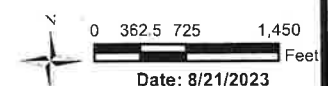
EXHIBIT 5



POLK COUNTY, FL

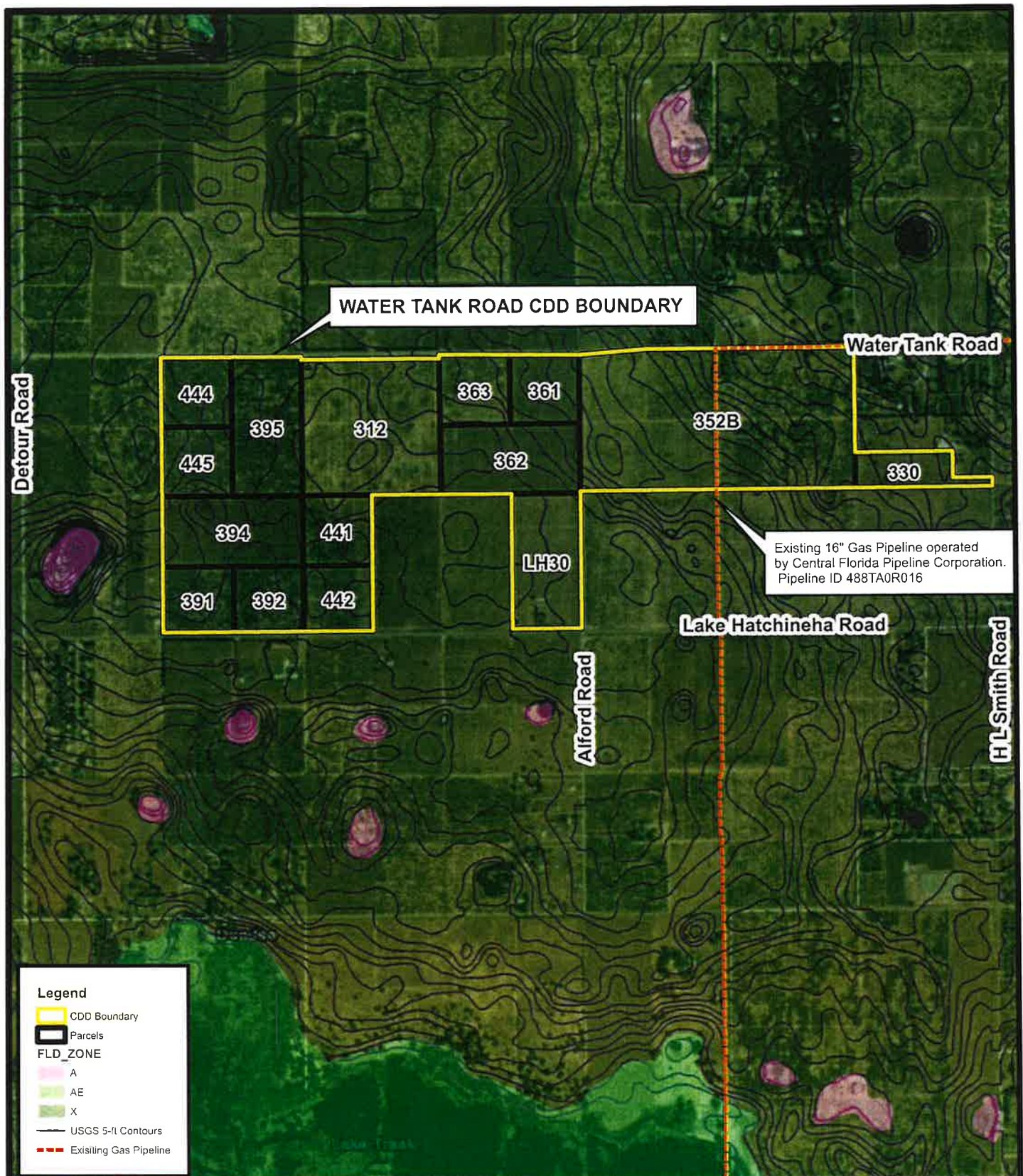
EXHIBIT 5 **FUTURE LAND USE MAP** **WATER TANK ROAD CDD**

APPROX. CDD BOUNDARY
 AREA - 289 AC



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
 Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

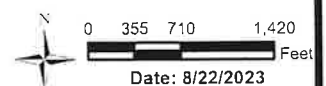
EXHIBIT 6



POLK COUNTY, FL

EXHIBIT 6 DRAINAGE AND UTILITIES WATER TANK ROAD CDD

APPROX. CDD BOUNDARY
AREA - 289 AC



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

COMPOSITE EXHIBIT 7

Water Tank Road CDD**Exhibit 7A - Summary of Proposed District Facilities**

District Infrastructure	Construction	Ownership	Capital Financing*	Operation and Maintenance
Stormwater Facilities	District	District	District Bonds	District
Lift Stations/Water/Sewer	District	City of Haines City	District Bonds	Town of Lake Hamilton**
Street Lighting	District	District	District Bonds	District/Duke Energy
Onsite Road Construction	District	District	District Bonds	District
Offsite Road Construction	District	Town of Lake Hamilton	District Bonds	Town of Lake Hamilton/Polk County***
Entry Feature & Signage	District	District	District Bonds	District
Recreation Facilities/Amenities	District	District	District Bonds	District

*Costs not funded by bonds will be funded by the developer.

**Lift Stations/Water/Sewer to be owned by City of Haines City and operated and maintained by Town of Lake Hamilton

***Offsite roads to be owned by Haines City, but operated/maintained by either Town of Lake Hamilton or Polk County

Water Tank Road CDD
Exhibit 7B - Cost Estimate

Facility	Phase 1 2023-2025 1536 Lots	Total Lots (1536 Lots)
Offsite Improvements (1)(5)(7)(11)	\$ 6,724,608	\$ 6,724,608
Stormwater Management (1)(2)(3)(5)(6)(7)	\$ 22,682,726	\$ 22,682,726
Utilities (Water, Sewer, & Street Lighting) (1)(5)(7)(9)(11)	\$ 20,335,043	\$ 20,335,043
Roadway (1)(4)(5)(7)	\$ 10,135,757	\$ 10,135,757
Entry Feature (1)(7)(8)(9)(11)	\$ 750,000	\$ 750,000
Parks and Amenities (1)(7)(11)	\$ 3,873,792	\$ 3,873,792
Subtotal	\$ 64,501,926	\$ 64,501,926
Professional Fees (10%)		\$ 6,450,193
Subtotal		\$ 70,952,118
Contingency (10%)		\$ 7,095,212
8/24/2023		
Total		\$ 78,047,330

Notes:

- (1) District to be constructed as one (1) phase.
- (2) Infrastructure consists of public roadway improvements, Stormwater management facilities, master sanitary sewer lift station and utilities, entry feature, landscaping and signage, and public neighborhood parks, all of which will be located on land owned by or subject to a permanent easement in favor of the District or another governmental entity.
- (3) Excludes grading of each lot in conjunction with home construction, which will be provided by homebuilder.
- (4) Includes Stormwater pond excavation. Does not include the cost of transportation of fill for use of private lots.
- (5) Includes sub-grade, base, asphalt paving, curbing, and civil/site engineering.
- (6) Includes subdivision infrastructure and civil/site engineering.
- (7) Stormwater does not include grading associated with building pads.
- (8) Estimates are based on 2023 cost.
- (9) Includes entry features, signage, hardscape, landscape, irrigation and fencing.
- (10) CDD will enter into a Lighting Agreement with Duke Energy for the street light poles and lighting service. Includes only the cost of undergrounding.
- (11) Estimates based on 1536 lots.
12. The costs associated with the infrastructure are a master cost and is effectively shared by the entire project (All phases).

EXHIBIT 8

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to form the **Water Tank Road Community Development District** (the “District”). The proposed District comprises approximately 289 acres of land located within the Town of Lake Hamilton, Florida (the “Town”). The project is planned for approximately 1536 residential units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes, as follows:

“That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.”

1.2 Overview of the Water Tank Road Community Development District

The District is designed to provide community infrastructure, services, and facilities along with operation and maintenance of such facilities and services to the lands within the District. The District will encompass approximately 289 acres.

The development plan for the proposed lands within the District includes approximately 1536 residential units to be constructed in one phase. Such uses are authorized for inclusion within the District. A Community Development District (“CDD”) is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers.” Section 190.002(1)(a), Florida Statutes.

A CDD is not a substitute for the local, general purpose, government unit, e.g., the municipality and/or county in which the CDD lies. A CDD does not have the permitting, zoning or general police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as the proposed District. The scope of this SERC is limited to evaluating the consequences of approving the petition to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

According to Section 120.541(2), Florida Statutes, a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly: is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the

rule; or is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency¹, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties defined by Section 120.52, Florida Statutes. The impact analysis for small businesses must include the basis for the agency’s decision not to implement alternatives that would reduce adverse impacts on small businesses.

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

2.0 Adverse impact on economic growth, business competitiveness or increased regulatory costs, in excess of \$1 million.

The creation of the District will not meet any of the triggers in Section 120.541(2)(a), Florida Statutes. The basis for this determination is provided in the discussions in Section 3.0 through Section 6.0 of this SERC.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

As noted above, the proposed Water Tank Road Community Development District is a community designed for approximately 1536 residential units. Formation of the District would put all of these units under the jurisdiction of the District. Prior to sale of any units, all of the land owned by the developer and any other landowner within the District boundaries will also be under the jurisdiction of the District.

¹ For the purposes of this SERC, the term “agency” means Lake Hamilton and the term “rule” means the ordinance(s) which Lake Hamilton will enact in connection with the creation of the District.

4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

4.1 Costs of Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed will encompass under 2500 acres, therefore the Town is the establishing entity under sections 190.005(2), (2)(e), Florida Statutes. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.018, Florida Statutes, the proposed District must pay an annual fee to the State of Florida Department of Economic Opportunity, which offsets such costs.

Town of Lake Hamilton

The Town and its staff will process and analyze the petition, conduct a public hearing with respect to the petition, and vote upon the petition to establish the District. These activities will absorb some resources. However, the filing fee required by Chapter 190, Florida Statutes, is anticipated to cover the costs for review of the petition for establishment.

These costs to the Town are modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new or additional staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning charges that are far more complex than is the petition to establish a community development district.

The annual costs to the Town because of the establishment of the District are minimal. The proposed District is an independent unit of local government. The only annual costs the Town faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the Town. Furthermore, the Town will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the District operates independently from the Town and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District and its landowners.

4.2 Impact on State and Local Revenues

Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct infrastructure or facilities, or for any other reason, are not debts of the State of Florida or the Town. In accordance with Florida law, debts of the District are strictly the District's own responsibility.

5.0 A good faith estimate of the transactional costs that are likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. It is anticipated that the entry feature and signage; master stormwater management system; sewer and water systems; street lighting/conduit; roadway improvements; parks & recreational facilities; and offsite improvements will be financed by the District.

Table 1.

District Infrastructure	Construction	Ownership	Capital Financing*	Operation and Maintenance
Stormwater Facilities	District	District	District Bonds	District
Lift Stations/Water/Sewer	District	City of Haines City	District Bonds	Town of Lake Hamilton**
Street Lighting	District	District	District Bonds	District/Duke Energy
Onsite Road Construction	District	District	District Bonds	District
Offsite Road Construction	District	Town of Lake Hamilton	District Bonds	Town of Lake Hamilton/Polk County***
Entry Feature & Signage	District	District	District Bonds	District
Recreation Facilities/Amenities	District	District	District Bonds	District

The petitioner has estimated the design and development costs for providing the capital facilities. The cost estimates are shown in Table 2 below. Total development costs for these facilities are estimated to be approximately \$78,047,330. The District may issue special assessment bonds or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non-ad valorem assessments levied on all developable properties in the District that benefit from the District's capital improvement program.

Table 2. Cost Estimate for District Facilities

Facility	Phase 1 2023-2025 1536 Lots	Total Lots (1536 Lots)
Offsite Improvements	\$6,724,608.00	\$6,724,608.00
Stormwater Management	\$22,682,726.40	\$22,682,726.40
Utilities (Water, Sewer, & Street Lighting)	\$20,335,042.56	\$20,335,042.56
Roadway	\$10,135,756.80	\$10,135,756.80
Entry Feature	\$750,000.00	\$750,000.00
Parks and Amenities	\$3,873,792.00	\$3,873,792.00
Subtotal	\$64,501,925.76	\$64,501,925.76
Professional Fees (10%)		\$6,450,192.58
Subtotal		\$70,952,118.34
Contingency (10%)		\$7,095,211.83
8/24/23 Total		\$78,047,330.17

Landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose non-ad valorem assessments to fund the operation and maintenance of the District and its facilities and services.

It is important to recognize that buying property in the District is completely voluntary. Ultimately, all owners and users of property within the District choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides.

A CDD provides property owners with the option of having a higher level of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community facilities and services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, or through developer equity and/or bank loans.

In considering these costs it shall be noted that the lands to be included within the District will receive four major classes of benefits.

First, the property in the District will receive a higher level of public services sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision

of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the Town's overall requirements.

Fourth, a CDD has the ability to maintain infrastructure better than a Homeowners' Association ("HOA") because it is able to offer a more secure funding source for maintenance and repair costs through assessments collected on the county tax bill pursuant to section 197.3632, Florida Statutes.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high-quality infrastructure provided by the District is likely to be fairly low.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes.

There will be no adverse impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid many of its contracts, affording small businesses the opportunity to bid on District work, and may also result in a need for additional retail and commercial services that afford small businesses and opportunity for growth.

The Town of Lake Hamilton has an estimated population of less than 10,000 according to the most recent federal census (2020). Therefore, the Town is defined as a "small" city according to Section 120.52 of the Florida Statutes. However, as noted above, there will be no adverse impact on the Town due to the creation of the District. The District will provide infrastructure facilities and services to the property located within the District. These facilities and services will help make this property developable. Development of the property within the District will increase the value of this property and, consequently, increase the property taxes that accrue to the Town. These increased property taxes (along with other direct and indirect revenues accruing to the Town as a result of the development of the land within the District) will offset any new staff, facilities, or equipment the Town adds to provide services to the property owners within the District.

7.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's engineer and other professionals associated with the Petitioner.

8.0 In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

There have been no good faith written proposals submitted to the agency as described in section 120.541(1)(a), Florida Statutes.

Prepared by:
Governmental Management Services - Central Florida, LLC
November 14, 2023

EXHIBIT 9

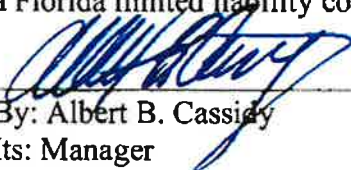
Authorization of Agent

This letter shall serve as a designation of Lauren Gentry, Esq., whose address is Kilinski I Van Wyk PLLC, 517 E. College Avenue, Tallahassee, Florida 32301, to act as agent for Cassidy Land Development, LLC, a Florida limited liability company, with regard to any and all matters pertaining to the petition to the Town Council of the Town of Lake Hamilton to establish a community development district pursuant to Chapter 190, *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

CASSIDY LAND DEVELOPMENT, LLC

a Florida limited liability company


DATE: 12/5/23


By: Albert B. Cassidy
Its: Manager

STATE OF FLORIDA
COUNTY OF PAIK

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 5th day of December 2023, by Albert B. Cassidy, as Manager of Cassidy Land Development, LLC, on behalf of the company.




(Official Notary Signature & Seal)
Name: Lindsey E Roden
Personally Known Albert B. Cassidy
OR Produced Identification _____
Type of Identification _____