

ORDINANCE NO. 1274

AN ORDINANCE OF THE CITY OF DAVENPORT, FLORIDA; ESTABLISHING THE HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development Act of 1980", Chapter 190, *Florida Statutes* (hereinafter referred to as the "Act"), sets forth the exclusive and uniform method for establishing a community development district; and,

WHEREAS, Section 190.005(2) of the Act requires that a petition for the establishment of a community development district of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and,

WHEREAS, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Davenport, Florida (the "City"); and,

WHEREAS, TLC Reedy Isle, LLC (the "Petitioner"), having obtained written consent to the establishment of the Horseshoe Creek Community Development District (the "District") by the owners of one hundred percent (100%) of the real property to be included in the District and having presented such documents, has petitioned (the "Petition") the City to adopt an ordinance establishing the District pursuant to the Act; and,

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the state of Florida and whose principal place of business is 605 Commonwealth Avenue, Orlando, Florida 32803; and,

WHEREAS, the Petition which was submitted to the City on or around March 12, 2024, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and,

WHEREAS, all interested persons and affected units of general-purpose local government have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on June 3, 2024; and,

WHEREAS, on June 3, 2024, the City considered the record of the public hearing including testimony and evidence presented before the City and the factors set forth in Section 190.005(1)(e) of the Act, and, upon such review, determined that granting the Petition to establish the Horseshoe Creek Community Development District is in the best interest of the City, and the following in adoption of this Ordinance:

- (1) All statements within the Petition are true and correct,
- (2) Establishment of the District and all land uses and services planned within the District are not inconsistent with applicable elements or portions of the State Comprehensive Plan, or the City of Davenport Comprehensive Plan,
- (3) The area of land within the District described in Exhibit "A" (attached hereto and incorporated herein) is of a sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional interrelated community,
- (4) The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District,
- (5) The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities,
- (6) The area to be served by the District is amenable to separate special-district government; and,

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and,

WHEREAS, the City has performed a business impact estimate pursuant to § 166.041(4)(c), and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city,
- (3) will not result in direct compliance costs by businesses,
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City; and,

WHEREAS, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the Petition; and,

WHEREAS, all other procedural and notice requirements mandated by State law and the City's Charter and Code of Ordinances have been followed and satisfied.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the City Commission of the City of Davenport, Florida, and incorporated into this Ordinance.

SECTION 2. AUTHORITY. This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes* (the "Act"). Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. ESTABLISHMENT AND DISTRICT NAME. There is hereby created a community development district situated entirely within the incorporated limits of the City of Davenport, Florida, which district shall be known as the "Horseshoe Creek Community Development District", and which shall be referred to as the "District" in this Ordinance.

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit "A", and said boundaries encompass 490.168 acres, more or less.

SECTION 5. DISTRICT POWERS AND FUNCTIONS. The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. Specifically, the District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1) and (3), *Florida Statutes*, as amended from time to time. In addition, pursuant to Section 190.012(2), *Florida Statutes*, the City's consent is hereby given to the District to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for (i) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (ii) security, so long as such systems and facilities are in accordance with the code and land development regulations of the City and approved by the City, if required. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all City of Davenport ordinances and policies governing land development or the use of land. Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the District, the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the pledged revenues designated for the bonds. This ordinance is not intended nor shall it be construed to expand, modify, or delete any provision of the Act, nor shall it be intended to modify, restrict, or expand any current prospective development or utility agreements.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District Board of Supervisors are as follows: Anthony Iorio, Jason Lonas, Doug Beasley, Duane "Rocky" Owen, and Thomas Franklin, Senior. All initial

members of the District's Board of Supervisors are residents of the State of Florida and citizens of the United States of America.

SECTION 7. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper once a week for four successive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 8. COMPLIANCE WITH ALL REMAINING PROVISIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE PROVISIONS OF LAW. Petitioner has complied with all remaining provisions of Chapter 190, *Florida Statutes*, and other provisions of law necessary for the establishment of the District.

SECTION 9. BUSINESS IMPACT ESTIMATE. Pursuant to Section 166.041(4), *Florida Statutes*, the City of Davenport is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance creates a community development district upon those lands described in Exhibit "A" hereof within the City of Davenport. The creation of this community development district upon the lands described within the City (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

SECTION 10. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 11. CONFLICTS. That portion of any ordinance which may conflict with this Ordinance, if any, is hereby repealed with this adoption of this Ordinance.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

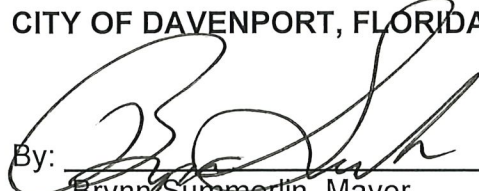
[The remainder of this page is left intentionally blank.]

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Davenport, Florida, meeting in Regular Session this 20th day of May, 2024.

(SEAL)



CITY OF DAVENPORT, FLORIDA

By: 
Brynn Summerlin, Mayor

Attest:

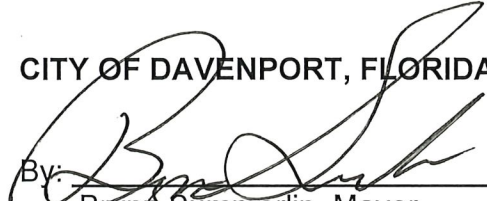

Raquel Castillo, City Clerk

INTRODUCED, PASSED AND ENACTED ON SECOND READING by the City Commission of the City of Davenport, Florida, meeting in Regular Session, this 3rd day of June, 2024.


(SEAL)



CITY OF DAVENPORT, FLORIDA

By: 
Brynn Summerlin, Mayor

Attest:


Raquel Castillo, City Clerk

Approved as to form and legality by:


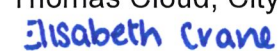

Thomas Cloud, City Attorney


EXHIBIT "A"
HORSESHOE CREEK CDD
LEGAL DESCRIPTION

LEGAL DESCRIPTION
SOUTH PD

A TRACT OF LAND, BEING THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ALSO THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 27 EAST, BEING TRACTS 23 THROUGH 26 IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 27 EAST, ALSO TRACT 32 OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 27 EAST, MAP OF FLORIDA DEVELOPMENT CO. TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63 INCLUSIVE, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING LOTS 1 THROUGH 10 OF BLOCK 4, ALSO LOTS 1 THROUGH 10 OF BLOCK 5, TOGETHER WITH ADJACENT RIGHT-OF-WAYS, TERRACE PARK SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 39, PUBLIC RECORDS OF POLK COUNTY, FLORIDA ALSO TRACT 22, REPLAT OF PRINCE ORANGE MANOR, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGE 9, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE APPARENT RIGHT-OF-WAY OF HORSE SHOE CREEK ROAD, AND LOTS 1 THROUGH 6, AND THE EAST 35 FEET OF LOTS 7 THROUGH 12, BLOCK 18; ALL OF BLOCK 19, LOT 1 LESS THE SOUTH 50 FEET; LOT 2, LESS THE SOUTH 50 FEET OF THE WEST 15 FEET; ALL OF LOTS 3 THROUGH 26, AND THE EAST 35 FEET OF LOT 27, ALL IN BLOCK 20, PRINCE ORANGE MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21 PAGE 19, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN SOUTH 89°29'19" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 2648.88 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 00°05'31" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 15.00 FEET TO A POINT LYING ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF TRACT 25 OF SAID PLAT OF MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN SOUTH 89°30'30" WEST, ALONG THE SOUTH LINE OF SAID TRACT 25 AND TRACT 26 AND THE WESTERLY EXTENSION THEREOF, 968.31 FEET TO A POINT LYING ON THE CENTERLINE OF ERIE AVENUE, AS SHOWN ON THE PLAT OF TERRACE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 39 OF SAID PUBLIC RECORDS, THENCE RUN NORTH 00°06'34" WEST, ALONG THE CENTERLINE OF ERIE AVENUE 647.04 FEET TO A POINT LYING ON THE SOUTH LINE OF TRACT 22 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN ALONG THE SOUTH, WEST, NORTH AND EAST LINES OF SAID TRACT 22, THE FOLLOWING FOUR (4) COURSES: SOUTH 89°31'21" WEST, 22.99 FEET; THENCE RUN NORTH 00°07'07" WEST, 662.05 FEET; THENCE RUN NORTH 89°32'12" EAST, 430.61 FEET; THENCE RUN NORTH 00°06'34" WEST, 601.94 FEET; THENCE RUN SOUTH 89°33'44" WEST, 75.00 FEET TO A POINT LYING ON THE WEST LINE OF LOT 1, BLOCK 20 OF SAID PLAT OF PRINCE ORANGE MANOR; THENCE RUN NORTH 00°06'34" WEST, ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 60.00 FEET TO A POINT LYING ON THE NORTH LINE OF SAID BLOCK 20, PRINCE ORANGE MANOR; THENCE RUN ALONG THE NORTH AND EAST LINES OF SAID BLOCK 20, THE FOLLOWING TWO (2) COURSES; NORTH 89°33'04" EAST, 636.40 FEET; THENCE RUN SOUTH 00°05'31" EAST, 661.81 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89°36'45" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1328.17 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 00°04'15" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1290.77 FEET TO A POINT LYING ON THE APPARENT SOUTH RIGHT-OF-WAY LINE OF HORSE SHOE CREEK ROAD; THENCE DEPARTING SAID WEST LINE, RUN ALONG SAID APPARENT SOUTH RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES: NORTH 89°44'10" EAST, 1131.46 FEET; THENCE RUN NORTH 00°15'50" WEST, 15.00 FEET; THENCE RUN NORTH 89°44'10" EAST, 200.50 FEET TO A POINT LYING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN SOUTH 00°14'04" WEST, ALONG SAID EAST LINE, 1302.93 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE RUN ALONG THE NORTH, EAST AND SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12, THE FOLLOWING THREE (3) COURSES: NORTH 89°45'25" EAST, 629.75 FEET; THENCE RUN SOUTH 00°16'18" WEST, 656.57 FEET; THENCE RUN SOUTH 89°32'54" WEST, 329.67 FEET TO THE NORTHEAST CORNER OF TRACT 32 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN SOUTH 00°15'11" WEST, ALONG THE EAST LINE OF SAID TRACT 32, A DISTANCE OF 642.77 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 32; THENCE RUN SOUTH 89°20'22" WEST, ALONG THE SOUTH LINE OF SAID TRACT 32 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 329.48 FEET TO A POINT LYING ON AFORESAID EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12; THENCE RUN SOUTH 00°14'04" WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND, LIES IN POLK COUNTY, FLORIDA AND CONTAINS 172.768 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING

LEGAL DESCRIPTION
NORTH PARCEL PD

A TRACT OF LAND, BEING THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, TRACTS 7, 8, 9, 10, 23, 24 AND A PORTION OF TRACTS 25, 26 AND 27, LYING IN THE SOUTHEAST QUARTER OF THE SECTION 2, TOWNSHIP 27 SOUTH, RANGE 27 EAST, TRACTS 1 THROUGH 4, 15 THROUGH 17, THE NORTH HALF OF TRACT 18 AND PORTION OF TRACT 32, LYING IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 27 EAST OF MAP OF FLORIDA DEVELOPMENT CO. TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 27 EAST; THENCE RUN ALONG THE WEST, NORTH AND EAST LINES OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, THE FOLLOWING THREE (3) COURSES: NORTH 00°58'28" WEST, 1310.79 FEET; THENCE RUN NORTH 89°50'09" EAST, 1320.77 FEET; THENCE RUN SOUTH 00°41'06" EAST, 1313.07 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 89°56'19" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1314.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF FOREST HILLS UNIT ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 27, OF SAID PUBLIC RECORDS; THENCE RUN NORTH 89°57'16" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 2630.30 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE RUN SOUTH 00°18'20" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2641.25 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 89°51'12" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2589.48 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE RUN NORTH 01°11'42" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1316.53 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 89°56'37" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1317.66 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 01°02'42" WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 664.38 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 4; THENCE RUN SOUTH 89°40'02" WEST, ALONG THE SOUTH LINE OF TRACTS 4 AND 3, A DISTANCE OF 657.89 FEET TO THE NORTHEAST CORNER OF TRACT 15 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN SOUTH 00°58'12" EAST, ALONG THE EAST LINE OF TRACTS 15 AND 18, A DISTANCE OF 995.49 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 18; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°54'52" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 18, A DISTANCE OF 329.64 FEET TO A POINT LYING ON THE EAST LINE OF TRACT 17, THENCE RUN SOUTH 00°55'56" EAST, ALONG THE EAST LINE OF TRACTS 17 AND 32 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT, 956.26 FEET TO A POINT LYING ON THE APPARENT NORTH RIGHT-OF-WAY LINE OF HORSE SHOE CREEK ROAD; THENCE RUN ALONG SAID APPARENT NORTH RIGHT-OF-WAY LINE, THE FOLLOWING SIX (6) COURSES: NORTH 89°49'36" WEST, 41.60 FEET; THENCE RUN SOUTH 89°36'02" WEST, 100.00 FEET; THENCE RUN NORTH 89°49'36" WEST, 100.00 FEET; THENCE RUN SOUTH 88°52'36" WEST, 88.37 FEET; THENCE RUN NORTH 02°03'50" WEST, 13.01 FEET; THENCE RUN SOUTH 89°44'10" WEST, 173.97 FEET TO A POINT LYING ON THE EAST LINE OF THE WEST HALF OF TRACT 25 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 00°51'35" WEST, ALONG SAID EAST LINE, 195.01 FEET; THENCE RUN SOUTH 89°44'10" WEST, 158.85 FEET TO A POINT LYING ON THE WEST LINE OF SAID TRACT 25; THENCE RUN SOUTH 00°49'29" EAST, ALONG SAID WEST LINE OF TRACT 25, A DISTANCE OF 195.01 FEET TO A POINT LYING ON AFORESAID APPARENT NORTH RIGHT-OF-WAY LINE OF HORSE SHOE CREEK ROAD; THENCE RUN SOUTH 89°44'10" WEST, ALONG SAID APPARENT NORTH RIGHT-OF-WAY LINE, 176.61 FEET; THENCE DEPARTING SAID APPARENT NORTH RIGHT-OF-WAY LINE, RUN NORTH 03°25'08" WEST, 336.46 FEET; THENCE RUN NORTH 79°53'11" WEST, 275.63 FEET TO A POINT LYING ON THE WEST LINE OF THE EAST 130.00 FEET OF TRACT 27 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN NORTH 00°45'17" WEST, ALONG SAID WEST LINE, 240.00 FEET TO A POINT LYING ON THE NORTH LINE OF SAID TRACT 27; THENCE RUN NORTH 89°44'44" EAST, ALONG SAID NORTH LINE OF TRACT 27, A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 23; THENCE RUN NORTH 00°45'17" WEST, ALONG THE WEST LINE OF TRACTS 23, 10 AND 7, A DISTANCE OF 1951.77 FEET TO THE NORTHWEST CORNER OF SAID TRACT 7; THENCE RUN NORTH 89°46'27" EAST, ALONG THE NORTH LINE OF TRACTS 7 AND 8, A DISTANCE OF 659.60 FEET; THENCE RUN NORTH 00°53'40" WEST, 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN POLK COUNTY, FLORIDA AND CONTAINS 317.400 ACRES MORE OR LESS.

FOR A TOTAL OF 490.168 ACRES, MORE OR LESS



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Davenport's website by the time notice of the proposed ordinance is published.

AN ORDINANCE OF THE CITY OF DAVENPORT, FLORIDA; ESTABLISHING THE HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Davenport is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Davenport is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Davenport hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This proposed ordinance will provide City services for the applicant and will expand the City boundaries, thus serving the public health safety, morals and welfare.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Davenport, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Davenport's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Annexation does not lessen or remove any private resident or commercial business. Thus, it is estimated that neither residents nor any business will incur additional costs. The city does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: *Zero (0)*

4. Additional information the governing body deems useful (if any):

City of Davenport staff solicited comments from businesses and residents in the City of Davenport as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of Davenport's website, public workshop, etc. The proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect residents or businesses.

Boundary Petition Cover Letter:

**BEFORE THE CITY COMMISSION OF
THE CITY OF DAVENPORT, FLORIDA**

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, TLC Reedy Isle, LLC (hereafter "Petitioner"), hereby petitions the City Commission of the City of Davenport 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 ("Petition"), Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Davenport, Florida ("City"). **Exhibit 1** depicts the general location of the proposed District. The proposed District covers approximately 490.168 acres of land, generally located north and south of Horseshoe Creek Road, west of Lake Marion Wildlife Management Area and east of U.S. Highways 17 and 92. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2**.

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

3. Landowner Consent. Petitioner has obtained written consent to establish the proposed District from the owner(s) of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, *Florida Statutes*. Documentation of ownership and consent to the establishment of a community development district is 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: Anthony Iorio
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Jason Lonas
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Doug Beasley
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Duane "Rocky" Owen
Address: 5585 Alligator Lake Road
St. Cloud, Florida 34772

Name: Thomas Franklin, Sr.
Address: 1818 Admiral Court
Kissimmee, Florida 34744

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 Horseshoe Creek Community Development District.

6. Future Land Uses. The existing use of the lands within the proposed District is identified in **Composite Exhibit 4**. Additionally, the future general distribution, location, and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are depicted in **Composite Exhibit 4**. The proposed land uses within the anticipated District boundaries are consistent with the applicable local comprehensive plan.

7. Major Water and Wastewater Facilities and Outfalls. There are no existing major trunk water mains and wastewater interceptors within the currently undeveloped lands to be included within the proposed District. **Exhibit 5A** demonstrates the pre-development drainage patterns and basins for the lands within the proposed District. **Exhibit 5B** illustrates the post-development drainage conditions for the lands to be included within the proposed District. **Exhibit 5C** demonstrates the proposed major trunk water mains and wastewater interceptors within the currently undeveloped lands located within and near the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or install, as well as the anticipated entities responsible for ownership and maintenance. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 7**. At present, these improvements are estimated to be made, constructed, and installed in nine (9) phases (including subphases) over the time period from 2024 through 2028. 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*. 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 agents for the Petitioner are Sarah R. Sandy and Michelle K. Rigoni. See **Exhibit 9**. Copies of all correspondence and official notices should also be sent to:

Sarah R. Sandy, Esq. (sarah.sandy@kutakrock.com)
Michelle K. Rigoni, Esq. (michelle.rigoni@kutakrock.com)
Kutak Rock, LLP
107 West College Avenue
Tallahassee, Florida 32301

11. Landowner Deeds. A copy of the warranty deeds, pursuant to which the consenting landowner took title to the lands to be included within the District, is included as **Composite Exhibit 10**.

12. Filing Fee. The Petitioner submitted a copy of this Petition, including Exhibits 1 through 10, and paid the filing fee of \$6,500 to the City, as required.

13. This petition to establish Horseshoe Creek Community Development District should be granted because it meets the six (6) factors set forth in Section 190.005(1)(e), *Florida Statutes*, as follows:

a. The statements contained within this Petition have been found to be true and correct.

b. 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 local Comprehensive Plan.

c. 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 interrelated community.

d. The establishment of the District will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of the above-described 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.

e. 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.

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

WHEREFORE, Petitioner respectfully requests the City Commission of the City of Davenport to:

- a. hold a public hearing in accordance with the requirements of Sections 190.005(2)(b) and (e), *Florida Statutes*;
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*;
- c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), *Florida Statutes*; and
- d. grant such other relief as appropriate.

[Remainder of this page intentionally left blank]

RESPECTFULLY SUBMITTED, this 12th day of March 2024.

KUTAK ROCK, LLP

By:



Sarah R. Sandy

Florida Bar No. 107064

sarah.sandy@kutakrock.com

Michelle K. Rigoni

Florida Bar No. 124758

michelle.rigoni@kutakrock.com

KUTAK ROCK, LLP

107 West College Avenue

Tallahassee, Florida 32301

(850) 692-7300 (telephone)

(850) 692-7319 (facsimile)

Attorneys for Petitioner

BEFORE THE CITY COMMISSION
CITY OF DAVENPORT, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HORSESHOE CREEK COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Orange

I, Kathleen Leo, P.E., of GAI Consultants, Inc., 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 Kathleen Leo, and I am a Vice President of GAI Consultants, Inc.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the City of Davenport, Florida, relating to the establishment of the Horseshoe Creek 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 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 with land development projects as a professional engineer and planner are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the nature of the services and facilities anticipated by the proposed Horseshoe Creek 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.

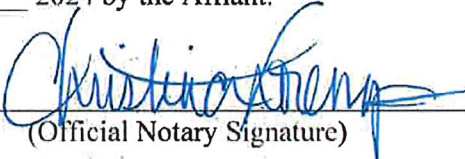
Executed this 28 day of May 2024.



Kathleen Leo, P.E.

SWORN TO and SUBSCRIBED before me by means of physical presence or online notarization, this 28 day of May 2024 by the Affiant.





(Official Notary Signature)

Name: Christina Lorenzo
Personally Known
OR Produced Identification _____
Type of Identification _____

1 **TESTIMONY OF KATHLEEN LEO, P.E., FOR ESTABLISHMENT OF**
2 **HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT**

3
4 **1. Please state your name and business address.**

5
6 My name is Kathleen Leo, and my business address is 618 E. South Street, Suite 700,
7 Orlando, Florida 32801.

8
9 **2. By whom are you employed and in what capacity?**

10
11 I am a Vice President with GAI Consultants, Inc.

12
13 **3. How long have you held that position?**

14
15 6 years.

16
17 **4. Please give your educational background, with degrees earned, major areas of study**
18 **and institutions attended.**

19
20 BS Environmental Engineering, University of Central Florida, 1992
21 MS Environmental Engineering, University of Central Florida, 1993

22
23 **5. Do you have any professional licenses, registrations, or certifications?**

24
25 I am a registered Professional Engineer in the State of Florida (PE # 51419).

26
27 **6. Are you a member of any professional associations?**

28
29 I am a member of the Urban Land Institute and CREW (Commercial Real Estate Women's
30 Network).

31
32 **7. Please summarize your previous experience as it relates to public facility design and**
33 **construction and land development and planning.**

34
35 With 30 years of experience, I have a broad range of experience in the private and public
36 markets. I am well versed in project development from conceptual planning to design and
37 construction, having worked on projects throughout Central Florida.

38
39 **8. Have you been involved in any developments of the type and nature contemplated**
40 **within the proposed Horseshoe Creek Community Development District ("District")?**

41
42 Yes, I have.

43
44 **9. Are you familiar with the Petition ("Petition") filed by TLC Reedy Isle, LLC**
45 **("Petitioner") on March 12, 2024, seeking the establishment of the proposed District?**

1 Yes. I assisted the Petitioner with the preparation of some of the exhibits filed with the
2 Petition and reviewed others.
3

4 **10. Are you generally familiar with the geographical area, type, and scope of development**
5 **and the available services and facilities in the vicinity of the proposed District?**
6

7 Yes, I am.
8

9 **11. Which documents did you prepare or have others prepare under your supervision?**
10

11 Exhibits 1, 2, Composite 4, Composite Exhibit 5, 6, and 7.
12

13 **12. Do any of those exhibits require any change or correction?**
14

15 No.
16

17 **13. To the best of your knowledge, are Exhibits 1, 2, Composite 4, Composite Exhibit 5,**
18 **6, and 7 to the Petition accurate?**
19

20 Yes, to the best of my knowledge.
21

22 **14. In general, what do Exhibits 1, 2, Composite 4, Composite Exhibit 5, 6, and 7 to the**
23 **Petition demonstrate?**
24

25 Exhibit 1 is a map showing the general location of the proposed District.
26

27 Exhibit 2 is the metes and bounds description of the external boundary of the proposed
28 District.
29

30 Composite Exhibit 4 contains maps depicting the existing and future general distribution,
31 location, and extent of the public and private land uses within the proposed District by the
32 land use plan element.
33

34 Exhibits 5A, 5B, and 5C contain maps of existing and planned, future wastewater
35 distribution, stormwater, reuse distribution, and water distribution within and around the
36 proposed District.
37

38 Exhibit 6 provide a list of the proposed facilities and services the proposed District is
39 anticipated to finance, fund, construct, acquire and/or install, as well as the anticipated
40 entity responsible for the ownership and maintenance thereof.
41

42 Exhibit 7 contains the estimated costs and timetable of constructing and/or installing the
43 infrastructure serving the land within the proposed District.
44

45 **15. What capital facilities are presently expected to be provided by the District?**

1
2 Based on information provided by Petitioner and as more fully described in Petition Exhibit
3 6, it is presently expected that the District will construct and/or acquire on and off-site
4 sanitary sewer collection, on and off-site water distribution, stormwater management
5 system, conservation mitigation, undergrounding of electrical service systems, on and off-
6 site roadway improvements, and landscaping, hardscaping and irrigation wells and
7 distribution improvements.
8

- 9 **16. Based upon your training and experience as an engineer, do you have an opinion as**
10 **to whether the proposed District is of sufficient size, sufficient compactness, and**
11 **sufficient contiguity to be developed as a functional interrelated community?**
12

13 Yes. Based on my experience, the proposed District is of sufficient size, compactness and
14 contiguity to be developed as a one functional interrelated community.
15

- 16 **17. What is the basis for your opinion?**
17

18 For many reasons, the proposed District facilities can be provided in an efficient, functional
19 and integrated manner.
20

21 First, there are sufficient, significant infrastructure needs for the area within the proposed
22 District to allow development as a functionally interrelated community.
23

24 Second, the specific design of the community allows infrastructure to be provided in a cost-
25 effective manner. The land included within the proposed District area is contiguous, which
26 facilitates an efficient and effective planned development.
27

28 Third, the provision of services and facilities through the use of one development plan
29 provides a contiguous and homogenous method of providing services to lands throughout
30 the District.
31

- 32 **18. In your opinion, you said the proposed District is sufficiently compact and contiguous**
33 **to be developable as a functionally interrelated community. Would you please explain**
34 **what you mean when stating that the proposed District is of sufficient compactness?**
35

36 The District will encompass approximately 490.168 acres and will provide a range of
37 residential and residential-support land uses that require the necessary elements of
38 infrastructure including on and off-site sanitary sewer collection, on and off-site water
39 distribution, stormwater management system, conservation mitigation, undergrounding of
40 electrical service systems, on and off-site roadway improvements, and landscaping,
41 hardscaping and irrigation wells and distribution improvements, among other
42 improvements. The proposed District will have sufficient overall residential density to
43 require all the above-mentioned necessary elements of infrastructure of a comprehensive
44 community. These facilities and services require adequate planning, design, financing,
45 construction, and maintenance to provide the community with appropriate infrastructure.
46 The preferred method of developing land, especially for higher density residential uses, is

1 for the development to be spatially compact. This augments the District's ability to
2 construct and maintain improvements and provide services, in a cost-efficient manner.
3

4 **19. Can you provide an example of a service or facility and explain why a CDD is a**
5 **preferred alternative for long-term operation and maintenance?**
6

7 Yes. A good example would be a storm water management system. Both a CDD and a
8 homeowner's association are permitted to operate and maintain such systems under
9 applicable Southwest Florida Water Management District ("SWFWMD") and City of
10 Davenport rules. However, SWFWMD rules generally require homeowner's associations
11 to provide significantly more information and documentation before the SWFWMD will
12 accept them as an operation and maintenance entity. This additional information is
13 required to ensure the association has the financial, legal and administrative capability to
14 provide for long-term maintenance of the storm water management system. Such
15 documentation generally must: (1) indicate that the association has the power to levy
16 assessments; (2) mandate the association will operate and maintain such systems; and (3)
17 provide that the association cannot be dissolved until another entity is found to maintain
18 the storm water management system.
19

20 In comparison, a CDD is a perpetual local government unit, which by law has the requisite
21 assessment authority, including the ability to collect such assessments on the county tax
22 roll. Thus, a CDD generally must simply provide a letter to the SWFWMD stating that the
23 CDD will accept operation and maintenance responsibility. All things being equal, a CDD
24 is preferred over a homeowner's or property owner's association for operation and
25 maintenance of a storm water management system.
26

27 **20. Does the establishment of the District obviate the need for local land development**
28 **regulations, ordinances or plans?**
29

30 No. Section 190.004, *Florida Statutes*, explicitly provides the establishment of a CDD does
31 not in any way impact or change the applicability of any governmental planning,
32 environmental and land development laws, regulations, and ordinances. A CDD cannot
33 take any action that is inconsistent with the comprehensive plan, code of ordinances or
34 regulations of the city or county within which it is located.
35

36 **21. Based on your experience, do you have an opinion as to whether the services and**
37 **facilities to be provided by the proposed District will be incompatible with the**
38 **capacities and uses of existing local and regional community facilities and services?**
39

40 Yes. Based on the information provided to me, it is my opinion that the proposed services
41 and facilities of the proposed District will not be incompatible with the capacity and uses
42 of existing local or regional community development services and facilities.
43

44 **22. What is the basis for your opinion?**
45

1 Currently, none of the planned infrastructure improvements the proposed District plans to
2 provide exist on the subject property in a manner which is useful to the proposed
3 development. Each of the elements of infrastructure for the necessary services and
4 facilities will connect into the existing, surrounding systems according to criteria, review
5 and approval of the existing operational entity. The proposed master infrastructure
6 roadway improvements will interconnect with and extend the City's roadway system. The
7 proposed water and sewer systems will extend the existing utility systems currently
8 operated by the City of Davenport. There will be no incompatibility issues.
9

10 **23. Based on your experience, do you have an opinion as to whether the area to be**
11 **included within the proposed District is amenable to being served by a separate**
12 **special district government?**
13

14 Yes. Based on the information provided to me, in my opinion, and to the best of my
15 knowledge, the area identified in the Petition is amenable to being served by a separate
16 special district government.
17

18 **24. What is the basis for your opinion?**
19

20 Based on the information provided to me, the proposed District is limited in purpose and
21 the infrastructure improvements to be provided by the proposed District are limited in
22 scope. This infrastructure is expected to directly benefit the development and may be
23 adequately served by a special district government. In addition, special district governance
24 provides a mechanism whereby long-term maintenance obligations can be satisfied by the
25 persons primarily using the facilities and services.
26

27 **25. Do you have an opinion, as someone experienced in land planning, as to whether the**
28 **proposed District is the best alternative for delivering community services and**
29 **facilities to the areas that will be served by the proposed District?**
30

31 Yes. Based on the information provided to me, it is my opinion that the proposed District
32 is the best alternative for providing the proposed services and facilities to the land to be
33 included within the proposed District.
34

35 **26. What are the alternatives contemplated in rendering this opinion?**
36

37 There would be two alternatives to the establishment of the proposed District. First, to
38 facilitate economic development, accommodate new growth, and provide new services, the
39 City could perhaps provide the selected facilities. The second alternative would be for the
40 developer or homeowner's association (HOA) to provide the infrastructure using private
41 financing.
42

43 **27. How does the proposed District compare to these alternatives?**
44

45 By comparison of the alternatives referenced above, from a planning perspective, the
46 proposed District is the best alternative available to provide the necessary infrastructure

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

10
11 Only a CDD allows for the independent financing, administration, operations and
12 maintenance of the land within the District. Only a CDD allows property owners, and
13 eventually residents, to completely control the CDD board and, therefore, the timing and
14 extent of infrastructure improvement and maintenance. Knowing when, where and how
15 infrastructure will be needed to service the projected population of an area allows for the
16 smooth delivery of those facilities. The proposed District exceeds other available
17 alternatives at focusing attention to when and where and how the next system of
18 infrastructure will be required for this specific area. This results in a full utilization of
19 existing facilities before new facilities are constructed. It reduces the delivered cost to the
20 citizens being served. All other alternatives do not have these characteristics.

21
22 **28. Do you have an opinion, as someone experienced in planning, as to whether the**
23 **establishment of the proposed District is inconsistent with any applicable element or**
24 **portion of the State Comprehensive Plan found in Chapter 187, Florida Statutes?**

25
26 Yes.

27
28 **29. What is your opinion?**

29
30 In my opinion, the proposed District is not inconsistent with the applicable provisions of
31 Chapter 187, Florida Statutes.

32
33 **30. What is the basis of your opinion?**

34
35 I have reviewed, from a planning perspective, applicable portions of the State
36 Comprehensive Plan which relate to community development districts. The State
37 Comprehensive Plan “provides long-range policy guidance for the orderly, social,
38 economic, and physical growth of the state.” The State Comprehensive Plan provides
39 twenty-five (25) subjects, and numerous goals and policies. Three subjects are particularly
40 relevant, from a planning perspective, to the establishment of the CDDs: No. 15 - Land
41 Use, No. 17 – Public Facilities, and No. 25 - Plan Implementation. Several of the policies
42 and goals are particularly supportive of the establishment of the proposed District.

43
44 **31. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**
45 **of the proposed District?**

1
2 This goal recognizes the importance of enhancing the quality of life in the State of Florida
3 and attempts to do so by ensuring that development is located in areas that have fiscal
4 abilities and service capacity to accommodate growth. CDDs are designed to provide
5 services and facilities in a fiscally responsible manner to areas which can accommodate
6 development. The proposed District is consistent with this goal because it will continue to
7 have the fiscal capability to provide a range of services and facilities to a population in a
8 designated growth area.
9

10 **32. Are any of the policies under subject No. 15 relevant?**
11

12 Yes. Policy 1 promotes efficient development activities in areas which will have the
13 capacity to service new populations and commerce. The proposed District will be a vehicle
14 to provide high quality services in an efficient and focused manner over the long term.
15

16 **33. What is Subject 17 and why is it relevant?**
17

18 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,
19 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
20 facilities should be allocated to existing and future residents on the basis of the benefits
21 received. Policy 6 also encourages the identification and implementation of innovative but
22 fiscally sound and cost-effective techniques for financing public facilities. Establishment
23 of the proposed District will further this goal and related policies.
24

25 **34. Why is subject No. 25, the other subject you mentioned, relevant to the establishment
26 of the proposed district?**
27

28 Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning
29 capabilities be integrated into all levels of government throughout the state, with particular
30 emphasis on improving inter-governmental coordination and maximizing citizen
31 involvement. The proposed District will operate through a separate and distinct Board of
32 Supervisors who will systematically plan the construction, operation and maintenance of
33 public improvements and community facilities authorized under Chapter 190, *Florida
34 Statutes*, subject to and not inconsistent with the local government comprehensive plan and
35 land development regulations. Further, meetings held by the Board of Supervisors are
36 publicly advertised and open to the public.
37

38 **35. Are there any relevant policies in this portion of the State Comprehensive Plan?**
39

40 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
41 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the
42 establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD,
43 the election of the Board of Supervisors begins to transition from a landowner-elected
44 Board to a resident-elected Board. Regardless of whether the board is elected by the
45 landowners or the residents, the proposed District must convene its meetings in accordance

1 with government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This
2 encourages citizen participation in the planning and operational activities of the district.
3

4 **36. Based upon your experience with planning, do you have an opinion as to whether**
5 **establishment of the proposed District is inconsistent with any portion or element of**
6 **the City of Davenport Comprehensive Plan?**

7
8 Yes, I do.
9

10 **37. What is that opinion?**

11
12 In my opinion, the establishment of the proposed District is not inconsistent with any
13 applicable provisions of the City of Davenport Comprehensive Plan.
14

15 **38. What is the basis for that opinion?**

16
17 The proposed District is consistent with the City's Comprehensive Plan designation, as this
18 information was utilized during the annexation of the lands comprising the District, City
19 Comprehensive Plan and planned development approvals recently acquired and approved
20 by the City.
21

22 My opinion is also based upon years of experience reviewing comprehensive plans
23 (including for purposes of this project the current City of Davenport Comprehensive Plan)
24 and there not being any provisions that would render a CDD inconsistent. Furthermore,
25 Chapter 190, *Florida Statutes*, prohibits any CDD from acting in a way that is inconsistent
26 with the local government's comprehensive plan, the exercising of any power must be done
27 with the comprehensive plan in mind.
28

29 It is my opinion, therefore, that with respect to the establishment of the proposed District,
30 the proposed District will not be inconsistent with any applicable element or portion of the
31 City of Davenport Comprehensive Plan.
32

33 **39. Does this conclude your testimony?**

34
35 Yes, it does.
36

37 **40. Does this conclude your testimony?**

38
39 Yes, it does.

BEFORE THE CITY COMMISSION
CITY OF DAVENPORT, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HORSESHOE CREEK COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE


I, George Flint (“Affiant”), 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 George Flint, and I am a Vice-President with Governmental Management Services – Central Florida, LLC.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages, including exhibits to the testimony, submitted under my name to the City Commission of City of Davenport, Florida, relating to the Petition to Establish (“Petition”) the Horseshoe Creek Community Development District (“District”) and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the 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 are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various managerial, operational and financial aspects related to the Petition.

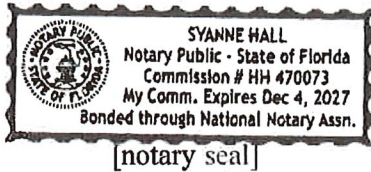
7. No corrections or amendments to my pre-filed testimony are required.

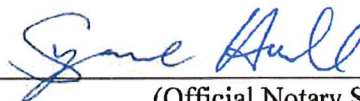
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 23 day of May 2024.


George Flint

SWORN TO and SUBSCRIBED before me by means of physical presence or online notarization, this 23rd day of May 2024 by the Affiant.





(Official Notary Signature)
Name: Syanne Hall
Personally Known
OR Produced Identification _____
Type of Identification _____

**TESTIMONY OF GEORGE FLINT FOR ESTABLISHMENT OF
HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT**

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

My name is George S. Flint. My business address is 219 East Livingston Street, Orlando, Florida 32801.

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

I am a Vice-President 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 two hundred fifty (250) 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 twenty-nine (29) years of experience in the public and private sectors providing general management, budgeting, and consulting services. I served as the Budget Officer and Assistant County Administrator for St. Johns County, Florida, and as the Assistant County Manager/Performance Manager for Alachua County, Florida. In addition, I served as a Senior Management Consultant and Regional Manager for TetraTech, Inc., an environmental engineering firm, and as the Executive Director of the St. Johns County Utility Authority. I have extensive knowledge of special districts, governmental budgeting and finance issues, the development process, and water and wastewater utilities.

- 6. Are you familiar with the Petition (“Petition”) filed by TLC Reedy Isle, LLC (“Petitioner”) on March 12, 2024, seeking the establishment of the proposed District?**

Yes, I serve as an assessment, economic, and management consultant relating to the establishment of the proposed District. Specifically, I assisted the Petitioner with the

preparation of Petition Exhibit 8, the Statement of Estimated Regulatory Costs (“SERC”).

7. Please describe your educational background.

I have a Bachelor of Arts degree from Princeton University in Politics with a focus in economics and a Master of Public Administration from Florida State University with a specialization in public budgeting and finance.

8. Please describe your work with community development districts (“CDDs”) 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 operations and management of the assets acquired or constructed by the CDD. I have provided management and assessment administration services to over fifty (50) active CDDs across Florida.

9. Are any of these community development districts that you have worked with about the same size as the proposed Horseshoe Creek Community Development District in the City of Davenport, Florida (the “City”)?

Yes.

DISTRICT MANAGEMENT

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

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

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

Yes, there are.

12. Please describe these requirements and safeguards.

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

Second, members of the 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 district the supervisors must also be residents and electors of the district. Board members must annually file the same financial disclosure forms required by 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, the District'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 CDD is annually audited by an independent certified public accountant. As I said before, the CDD 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, 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 district'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.

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*. The CDD also may borrow funds on a long or short-term basis.

Debt may be retired by the District through non ad valorem or 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 (city, 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 as the roads, utilities, stormwater management facilities, and other improvements contemplated for the proposed District. First, the general-purpose local government could finance the improvements utilizing special assessments and/or general funds. Alternatively, the developer could provide infrastructure through private means, including private financing if available. As discussed later in my testimony, neither of these alternatives is preferable to use of the CDD concept.

15. **What has been your role with respect to the Petition to Establish the Horseshoe Creek Community Development District (the “Petition”)?**

I have worked closely with TLC Reedy Isle, LLC (the “Petitioner”) and its consultants in determining if a CDD is appropriate for this project. I also supervised the preparation of Exhibit 8 of the Petition, the SERC.

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

Yes. For this project, the proposed District is the best alternative available for delivering the proposed services and facilities to the area that will be served. These improvements include, but are not limited to, on and off-site sanitary sewer collection, on and off-site water distribution, stormwater management system, undergrounding of electrical service systems, conservation mitigation, on and off-site roadway improvements, and landscaping, hardscaping and irrigation wells and distribution of same within public roadways.

17. **What is the basis for your opinion?**

Looking at the alternatives, the City could finance and manage the improvements utilizing special assessments or general funds. The developer and/or a property owner’s association (“POA”) could provide these facilities as well through private financing.

In evaluating the alternatives, it is important to consider whether the alternative can provide the best focus, can effectively and efficiently manage and maintain the facilities, and whether the alternative can secure low cost, long term public financing. The City clearly provides the long-term perspective and is a stable and relatively low-cost source of financing and provider of services at sustained levels. However, the City has substantial demands over a broad geographical area that places a heavy management delivery load on its staff. In addition, if dependent district financing were used, the City would be responsible for all administrative aspects of the dependent district. The City would have to make time and meetings available for the monthly matters pertaining to the dependent

district. By using a dependent district mechanism, the City would be increasing its responsibility and hence liability for the variety of actions that will take place in the development. The City, through the dependent district, would also be the contracting party for all construction contracts, would have to deal with bid issues, enforce performance bonds, and participate in construction arbitration or litigation if necessary. They would deal with delay claims and budget management and all the other challenges that come with being the owner in a public construction project. A district can be created to provide focused attention to a specific area in a cost-effective manner. It also allows the City to focus staff time, finances, and other resources elsewhere and does not burden the general body of taxpayers in the City with the debt associated with this growth.

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

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

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

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

Yes.

- 19. What is your opinion?**

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

20. What is the basis for your opinion?

The size of the proposed District is approximately 490.168 acres. Based on my previous experience, the proposed District is of sufficient size, compactness, and contiguity to be developed as a functional interrelated community.

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

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

Yes.

22. What is your opinion?

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

23. What is the basis for your opinion?

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

Under both criteria, the proposed District is a planned community of sufficient size with a need for the facilities and improvements that are presently expected to be provided by the proposed District. As described in the petition, the proposed District will construct and

maintain certain identified needed facilities and services. Other facilities and improvements will be constructed by the proposed District and ultimately owned and maintained by the City. Based on my experience, CDDs of this size are large enough to effectively provide and manage services. From a management and operations perspective, the land area is well suited to the provision of the proposed services and facilities. Ultimately, of course, if later circumstances would cause the City to re-evaluate whether these lands should continue as separate special district government, the City has the option under Section 190.046(4), *Florida Statutes*, to effectively take over the functions of any CDD.

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

Yes.

25. **What is your opinion?**

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

26. **What is the basis for your opinion?**

Petitioner presently expects the proposed District to finance and construct certain on and off-site sanitary sewer collection, on and off-site water distribution, stormwater management system, undergrounding of electrical service systems, conservation mitigation, on and off-site roadway improvements, and landscaping, hardscaping and irrigation wells and distribution of same in public roadways. None of the facilities expected to be provided by the District presently exist. Ultimately, a district may own and maintain certain of those improvements and the City, or other governmental entities, may own and maintain others. There will be no overlap or incompatibility because the facilities and improvements expected to be provided by the proposed District do not exist today.

ECONOMICS AND FINANCING

27. **You stated earlier that you are you familiar with the Petition, and its Exhibits, filed by the Petitioner, to establish the proposed Horseshoe Creek Community Development District. Are you particularly familiar with Exhibit 8 to the Petition?**

Yes, Exhibit 8 is the SERC, a requirement of Chapter 190, *Florida Statutes*.

28. **What exactly is a “SERC”?**

The Statement of Estimated Regulatory Costs is actually a requirement under Sections

190.05 and 120.541(2), *Florida Statutes*, which has been incorporated into the law on establishment of community development districts.

29. In general terms, please summarize the economic analyses presented in the SERC.

An understanding of the SERC requires the recognition of the scope of review and evaluation for the establishment of a community development district as set out in Chapter 190. Section 190.002(2)(d), *Florida Statutes*, states “[t]hat the process of establishing such a district pursuant to uniform general law [must] 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.” Thus, the scope of the economic analysis included in the SERC addresses only the establishment of the proposed District, and not the planning or development of the property itself.

The economic analysis sets out the assumptions about the development within the proposed district and the anticipated infrastructure to be provided by it. The analysis addresses each of the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates the impact of the proposed district on each such group.

The proposed Horseshoe Creek Community Development District is a specialized unit of local government. It is a special purpose unit of local government with a single objective: the provision of infrastructure and services for a planned new community. Its economic benefits exceed its economic cost to the Petitioner, the City, and to all subsequent purchasers and landowners of the community - in short, to all affected parties.

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

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

30. Please describe briefly the data and methodology used in preparing the SERC and related analyses.

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

31. From an economic and financial perspective, do you have an opinion regarding the

financial viability and feasibility of the proposed District?

Yes, I do.

32. What is that opinion?

In my opinion, based on my experience with other districts, the proposed Horseshoe Creek Community Development District is expected to be financially viable and feasible.

33. Are you familiar with the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes.

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

Yes.

35. What is that opinion?

It is my opinion the proposed Horseshoe Creek Community Development District is not inconsistent with any applicable element or portion of the state comprehensive plan.

36. What is the basis for your opinion?

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

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

Subject 17, titled Public Facilities, relates to (i) protecting investments in existing public facilities; (ii) providing financing for new facilities, (iii) allocating the costs of new public facilities on the basis of the benefits received by future residents; (iv) implementing innovative but fiscally sound techniques for financing public facilities; and (v) identifying and using stable revenue sources for financing public facilities. The establishment of the

District will further these State Comprehensive Plan Goals and Policies.

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

- (i) cooperate with other levels of Florida government;
- (ii) be established under uniform general law standards as specified in Chapter 190, *Florida Statutes*;
- (iii) be professionally managed, financed, and governed by those whose property directly receives the benefits;
- (iv) not burden the general taxpayer with costs for services or facilities inside the Horseshoe Creek Community Development 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.

- 37. 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.

- 38. 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.

- 39. 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

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

Yes.

41. 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 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 property owners association ("POA"), the CDD has the power to assess property and collect those assessments 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 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 City, and the Water Management District, 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 City may have to assume greater responsibility for construction, operations, and maintenance of community facilities and services. Even if the City 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 City would be enmeshed in the responsibilities and in the management of those facilities. Furthermore, without a CDD the City 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.

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

Yes.

43. What is your opinion?

The proposed Horseshoe Creek Community Development District covers approximately 490.168 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, 490.168 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.

44. From an economic and financial perspective, do you have an opinion as to whether the area that will be served by the proposed Horseshoe Creek Community Development District is amenable to separate special district government?

Yes.

45. What is your opinion and its basis?

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

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

46. Does this conclude your testimony?

Yes, it does

BEFORE THE CITY COMMISSION
CITY OF DAVENPORT, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HORSESHOE CREEK COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Anthony Iorio, 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 Anthony Iorio, and I am the Vice President of Development of Hanover Land Company, LLC, to which the Petitioner, TLC Reedy Isle, LLC, is an affiliate.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the City of Davenport, Florida, relating to the establishment of the Horseshoe Creek 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 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 with land development are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the accuracy of the information set forth in the petition and compliance with establishment requirements.
7. No corrections 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 24 day of May 2024.



Anthony Iorio

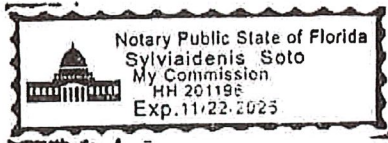
SWORN TO and SUBSCRIBED before me by means of physical presence or online notarization, this 24 day of May 2024 by the Affiant.



(Official Notary Signature)

Name: Sylviaidenis Soto
Personally Known _____
OR Produced Identification _____
Type of Identification _____

[notary seal]



1 **TESTIMONY OF ANTHONY IORIO FOR ESTABLISHMENT OF**
2 **HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT**

3
4 **1. Please state your name and business address.**

5
6 My name is Anthony Iorio. My business address is 605 Commonwealth Avenue,
7 Orlando, Florida 32803.

8
9 **2. By whom are you employed and in what capacity?**

10
11 I am the Vice President of Development for Hanover Land Company, LLC, to which the
12 Petitioner, TLC Reedy Isle, LLC, is an affiliate.

13
14 **3. Briefly summarize your duties and responsibilities.**

15
16 I am responsible for overseeing the planning, permitting, engineering, and construction of
17 residential and commercial communities for Hanover Land Company.

18
19 **4. Who is the Petitioner in this proceeding?**

20
21 The Petitioner is TLC Reedy Isle, LLC (“Petitioner”).

22
23 **5. Are you familiar with the Petition filed by the Petitioner seeking the establishment**
24 **of a community development district?**

25
26 Yes. I assisted in the preparation of the Petition to Establish the Horseshoe Creek
27 Community Development District and accompanying exhibits (“Petition”), filed on March
28 12, 2024, with the City of Davenport (“City”), and worked with members of the consultant
29 team to prepare the filing. I reviewed the Petition and exhibits prior to its filing.

30
31 **6. What is the proposed name of the District?**

32
33 The proposed name is the Horseshoe Creek Community Development District (“District”).

34
35 **7. Have you reviewed the contents of the Petition and approved its findings?**

36
37 Yes, I have.

38
39 **8. Are there any changes or corrections to the Petition at this time?**

40
41 No.

42
43 **9. Are there any changes or corrections to any of the exhibits submitted to the City at**
44 **this time?**

45
46 No.

1
2 **10. Please generally describe each of the exhibits attached to the Petition.**
3

4 Exhibit 1 is a map showing the general location of the proposed District.
5

6 Exhibit 2 is the metes and bounds description of the external boundary of the proposed
7 District.
8

9 Composite Exhibit 3 contains the Consents of Landowners to CDD establishment,
10 executed by TLC Reedy Isle, LLC, and Michael B. Swain, which represent the consent of
11 one hundred percent (100%) of the owners of the lands to be included within the District.
12

13 Composite Exhibit 4 contains maps depicting the existing and future general distribution,
14 location, and extent of the public and private land uses within the proposed District by the
15 land use plan element.
16

17 Exhibits 5A, 5B, and 5C contain maps identifying pre- and post-development drainage
18 patterns and existing and proposed major trunk water mains and sewer interceptors and
19 outfalls within and around the proposed District.
20

21 Exhibit 6 contains a list of the facilities and services the proposed District is expected to
22 finance, fund, construct, acquire and/or install, as well as the anticipated entity responsible
23 for the ownership and maintenance thereof.
24

25 Exhibit 7 contains the estimated costs and timetable of construction the infrastructure
26 serving the land within the proposed District.
27

28 Exhibit 8 is the Statement of Estimated Regulatory Costs ("SERC"), required by statute.
29

30 Exhibit 9 is the authorization of agents form, which authorizes Sarah R. Sandy and
31 Michelle K. Rigoni to act as agents for the Petitioner.
32

33 Composite Exhibit 10 are the landowners' warranty deeds identifying ownership of lands
34 to be included within the boundaries of the proposed District.
35

36 **11. Were these exhibits prepared by you or under your supervision?**
37

38 Yes, I engaged a consultant team and directed the preparation of the exhibits to the Petition.
39

40 **12. To the best of your knowledge, is the general location map identified as Exhibit 1 a**
41 **true and accurate depiction of the general location of the proposed District?**
42

43 Yes, it is.
44

45 **13. To the best of your knowledge, is the metes and bounds description of the external**
46 **boundary of the District included in Exhibit 2, a true and accurate recitation of the**

1 land area to be included within the proposed District?

2
3 Yes, it is.

- 4
5 **14. To the best of your knowledge, is Composite Exhibit 3 a true and accurate copy of the**
6 **consents obtained from the owners of one hundred percent (100%) of the lands to be**
7 **included within the proposed District?**

8
9 Yes, it is.

- 10
11 **15. To the best of your knowledge, are the maps included in Composite Exhibit 4 a true**
12 **and accurate depiction of the existing and future general distribution, location and**
13 **extent of public and private land uses within the proposed District?**

14
15 Yes, they are.

- 16
17 **16. To the best of your knowledge, are Exhibits 5A, 5B, and 5C true and accurate**
18 **depictions of the pre- and post-development drainage patterns and existing and**
19 **proposed major trunk water mains and sewer interceptors and outfalls within and**
20 **around the proposed District?**

21
22 Yes, they are.

- 23
24 **17. To the best of your knowledge, does Exhibit 6 truly and accurately list the facilities**
25 **and services that the proposed District is expected to finance, fund, construct, acquire**
26 **and/or install, as well as the anticipated owner and entity responsible for operation**
27 **and maintenance thereof?**

28
29 Yes, it does.

- 30
31 **18. To the best of your knowledge, does Exhibit 7 truly and accurately list the estimated**
32 **costs and timetable of constructing the infrastructure serving land within the**
33 **proposed District?**

34
35 Yes, it does.

- 36
37 **19. To the best of your knowledge, is Exhibit 8 a true and accurate copy of the**
38 **Statement of Estimated Regulatory Costs?**

39
40 Yes, it is.

- 41
42 **20. To the best of your knowledge, is Exhibit 9 a true and accurate copy of the**
43 **Authorization of Agents form?**

44
45 Yes, it is.

1 **21. To the best of your knowledge, is Composite Exhibit 10 a true and accurate copy of**
2 **the warranty deeds reflecting ownership of the lands to be included within the**
3 **proposed District?**

4
5 Yes, it is.

6
7 **22. Are the contents of the Petition and the exhibits attached to it, as described herein,**
8 **true and correct to the best of your knowledge?**

9
10 Yes, they are.

11
12 **23. Are you familiar with the area that is proposed to be included within the District?**

13
14 Yes, I am familiar with the general area and the site specifically.

15
16 **24. Approximately how large is the proposed District in acres?**

17
18 The proposed District is located entirely within the City of Davenport and covers
19 approximately 490.168 acres of land.

20
21 **25. What steps were taken with respect to filing the Petition with the City?**

22
23 On March 12, 2024, the Petitioner filed the original Petition with the City. In addition, an
24 \$6,500 filing fee was provided upon the request of the City.

25
26 **26. Has notice of the hearing been provided in accordance with Section 190.005, Florida**
27 **Statutes?**

28
29 Yes. A notice of hearing is being arranged for publication in a newspaper of general
30 circulation in the City and of general interest and readership in the community, as a display
31 ad for four (4) consecutive weeks immediately preceding the hearing. Proof of publication
32 has been requested and will be available by the time of the establishment hearing.

33
34 **27. Who are the five persons designated in the Petition to serve as the initial Board of**
35 **Supervisors?**

36
37 The five persons include Jason Lonas, Doug Beasley, Duane "Rocky" Owen, Thomas
38 Franklin, Sr., and me.

39
40 **28. Do you know each of these persons personally?**

41
42 Yes, I do.

43
44 **29. Are each of the persons designated to serve as the initial Board of Supervisors**
45 **residents of the State of Florida and citizens of the United States?**

1 Yes, they are.

2
3 **30. Are there residential units planned for development within the proposed District?**

4
5 Yes. There are approximately 1,310 residential units planned for development within the
6 proposed District.

7
8 **31. Are there residents currently living within the areas to be included within the District,
9 and, if so, have they been notified about the creation of the District?**

10
11 No, there are no residents currently living within the areas to be included within the
12 District.

13
14 **32. What steps will be taken to ensure that prospective purchasers of the District receive
15 notice of the existence of the District and its assessments?**

16
17 There are certain state law disclosure requirements that all community development
18 districts ("CDDs") must meet. Among the numerous requirements that a CDD must meet,
19 below are a few examples:

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

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

39
40 Third, when assessments are levied for the first time or when previously levied assessments
41 are raised, notice of a public hearing is required to be given by publication in a local
42 newspaper and by mail to all property owners within the District. The assessments are then
43 considered at a public hearing.

44
45 Fourth, the District will be required to adopt and record in the Polk County Public Records
46 a Disclosure of Public Financing and Maintenance of Public Improvements. This

1 Disclosure summarizes the financing plan the District has undertaken, the existence, if any,
2 of capital and operation and maintenance assessments, and the facilities and services that
3 the District provides and maintains. This Disclosure is then provided by the District to the
4 developer to satisfy the requirements of Section 190.009, *Florida Statutes*, and is also
5 available for inspection by residents and prospective residents.
6

7 **33. Would you please describe the proposed timetable for development of land within the**
8 **proposed District?**
9

10 It is anticipated that the District improvements will be made, acquired, constructed and/or
11 installed in total of nine phases (including subphases) over the time period from 2024
12 through 2028.
13

14 **34. Has all of the developable land within the proposed District been planned as a single**
15 **community?**
16

17 Yes, the developable land, along with certain master infrastructure is to be maintained by
18 the proposed District that will service the developable land, although anticipated to be
19 constructed in multiple phases, is planned as a single community.
20

21 **35. Would you generally describe the services and facilities you currently expect the**
22 **proposed District to provide?**
23

24 The Petitioner presently intends for the District to be involved in providing the following
25 services and facilities: on and off-site sanitary sewer collection, on and off-site water
26 distribution, stormwater management system, undergrounding of electrical service
27 systems, conservation mitigation, on and off-site roadway improvements, and landscaping,
28 hardscaping and irrigation well and distribution improvements, and other related
29 improvements. The facilities are outlined in Exhibit 6 of the Petition.
30

31 Petitioner's good faith expectation of the costs associated with such facilities and services
32 is itemized in Exhibit 7 to the Petition.
33

34 **36. Did you cause the cost estimates identified in Exhibit 7 to be prepared?**
35

36 Yes, the cost estimates were prepared under my supervision and direction.
37

38 **37. What methods were used to estimate these costs?**
39

40 The estimates are based on research regarding historical costs of constructing similar
41 infrastructure and current market conditions.
42

43 **38. In your opinion, are the cost estimates for the facilities for the proposed District**
44 **reasonable?**
45

46 Yes, to the best of my knowledge and based on the information available.

1
2 **39. In general, what financing methods does the Petitioner propose the District may use**
3 **to pay for the anticipated facilities and services?**
4

5 Petitioner presently expects that the District will finance all or a portion of the facilities
6 and services through the issuance of tax-exempt bonds, special assessments and through
7 other available financing mechanisms. The debt issued by the proposed District is expected
8 to be retired by non-ad valorem assessments (also known as "special assessments") on
9 benefitted property within the proposed District. Ongoing maintenance and operation of
10 the District and its facilities and services are expected to be funded by non-ad valorem
11 special assessments. Any facilities not financed with a bond issue may be funded by the
12 developer using conventional financing options.
13

14 **40. Who will be responsible for paying the proposed District's assessments?**
15

16 Only current property owners and those who choose to acquire property within the
17 proposed District will be responsible for paying District assessments.
18

19 **41. Will these proposed District debts be an obligation of the City, Polk County, or the**
20 **State of Florida?**
21

22 No. The debts will be solely the District's obligation and secured by non-ad valorem
23 assessments levied against property owners. Florida law provides that CDD debt cannot
24 become the obligation of a county, a city, or the state without the consent of that
25 government.
26

27 **42. Why is the Petitioner seeking to have a CDD established for this area?**
28

29 There are hundreds of CDDs throughout the State of Florida. CDDs are an efficient,
30 effective way to provide infrastructure and have become accepted in the marketplace to
31 homebuyers. CDDs have the ability to assist in the streamlined and efficient maintenance
32 and operation of infrastructure and services to developing communities.
33

34 From our perspective, the establishment of a CDD is logical for this project. It provides a
35 long-term, stable, financially secure entity. The proposed District is a structured, formal
36 entity with the legal ability to respond to future changes in the circumstances and desires
37 of its residents. Under Florida law, the proposed District has access to Polk County's tax
38 collection mechanisms, which helps ensure that the facilities will be maintained. In that
39 sense, it is preferable over control by a property owners association.
40

41 Additionally, a CDD has the ability to enter into interlocal agreements with other
42 government entities. These allow a CDD to work with other government entities to
43 complete projects that benefit residents within the CDD boundaries while also assisting
44 local governments in completing infrastructure necessary to serve growth.
45

46 A CDD has the financial capability to assist in the provision of necessary capital

1 improvements sooner than may otherwise be the case. The City, developers, builders and
2 residents will all benefit from these improvements in terms of access, traffic flow, safety
3 and general property enhancement. Additionally, a CDD is the entity preferred by many
4 regulatory agencies, including many water management districts, to operate and maintain
5 the stormwater management and other similar systems. This is because the CDD is a
6 perpetual entity, operating in open meetings, with the financial ability to ensure that the
7 maintenance of these important environmental facilities and amenities is accomplished.
8 Given the nature of this project, in my opinion, a CDD is a logical, prudent, and desirable
9 way to ensure this needed infrastructure is maintained.

10
11 **43. Does this conclude your testimony?**

12
13 Yes.

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

David Wilbourn
Kutak Rock Llp
107 W College AVE
Tallahassee FL 32301-7707

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The Ledger-News Chief, published in Polk County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of Polk County, Florida, or in a newspaper by print in the issues of, on:

05/06/2024, 05/13/2024, 05/20/2024, 05/26/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/26/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$2043.25
Order No: 10117509 # of Copies:
Customer No: 757244 1
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING
City Commission of the City of Davenport, Florida
Petition to Establish the Horseshoe Creek Community
Development District

DATE: June 3, 2024
TIME: 7:00 p.m.
LOCATION: City Commission Chambers
1 South Allapaha Avenue
Davenport, Florida 33837

In compliance with the provisions of Chapter 190, *Florida Statutes*, a public hearing will be held by the City Commission ("Commission") of the City of Davenport on June 3, 2024, at 7:00 p.m. in the City Commission Chambers, 1 South Allapaha Avenue, Davenport, Florida, to consider the petition filed by TLC Reedy Isle, LLC ("Petitioner") to establish the "Horseshoe Creek Community Development District" (the "District"). The title of the proposed ordinance is as follows:

AN ORDINANCE OF THE CITY OF DAVENPORT, FLORIDA; ESTABLISHING THE HORSESHOE CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The proposed District is comprised of approximately 490.168 acres, more or less, generally located north and south of Horseshoe Creek Road and east of U.S. Highways 17 and 92. The petitioner has proposed to establish the District to plan, finance, acquire, construct, operate, and maintain infrastructure and community facilities which may be authorized by such district under Florida law, including but not limited to, onsite and offsite sanitary sewer collection systems, onsite and offsite water distribution systems, master stormwater management system, electrical service system, conservation mitigation, onsite and offsite public roadway improvements, landscape/irrigation wells and distribution/hardscape, and other infrastructure as allowed by Chapter 190, Florida Statutes.

Copies of the petition and the proposed ordinance are open to public inspection at the Office of the City Clerk in City Hall of the City of Davenport Florida, located at 1 South Allapaha Avenue, Davenport, Florida 33837, between the hours of 8:00 a.m. and 5:00 p.m., weekdays.

All interested persons and affected units of general-purpose local government shall be given an opportunity to appear at the hearing and present oral or written comments on the proposed Ordinance. Any persons or affected unit of general-purpose local government, who wish to appeal any decision made by the Commission with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose, the person or entity appealing may need to ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based. The City of Davenport does not provide a written verbatim record.

In accordance with the Americans with Disabilities Act and Section 286.26, *Florida Statutes*, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (863) 419-3300 x125 for assistance. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800-955-8771 (TTY/TDD) or 1-800-955-8770 (Voice).

