

ORDINANCE NO. 0-22-08

AN ORDINANCE OF THE CITY OF EAGLE LAKE, FLORIDA ESTABLISHING THE EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Eagle Hammock of Eagle Lake, LLC, a Florida limited liability company ("Petitioner") has filed a Petition to Establish the Eagle Hammock Community Development District (the "Petition") with the City Commission of the City of Eagle Lake (the "City Commission") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Eagle Hammock Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 4900 Dundee Road, Winter Haven, Florida 33884; and

WHEREAS, the owners of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City Commission on March 7, 2022, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the City Commission has considered the record of the public hearing and the statutory factors set forth in section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the City Commission, pursuant to the information contained within the Petition and based on an investigation conducted by staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, finds as follows:

- (1) The statements within the Petition are true and correct; and
- (2) The Petition is complete in that it meets the requirements of Section 190.005(2)(a), *Florida Statutes* (2021); and
- (3) The appropriate City of Eagle Lake staff have reviewed the Petition for establishment of the District on the proposed land and have advised the City Commission that said Petition is complete and sufficient; and
- (4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the City Comprehensive Plan; and

- (5) The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and
- (6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- (7) 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; and
- (8) The area that will be served by the District is amenable to separate special-district government.

WHEREAS, pursuant to the information stated above, the City Commission has decided to grant the Petition to establish the Eagle Hammock Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; 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, upon the effective date of this establishing Ordinance, the Eagle Hammock Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Eagle Hammock Community Development District Establishment Ordinance."

SECTION 2. BOARD FINDINGS. The Board findings set forth in the recitals to this Ordinance are hereby incorporated in this Ordinance.

SECTION 3. AUTHORITY. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*.

SECTION 4. CREATION OF DISTRICT: DISTRICT NAME. The Petition filed to create the Eagle Hammock Community Development District is hereby granted and there is hereby created a community development district, which is situated within the City of Eagle Lake, Florida, which District shall be known as the "Eagle Hammock Community Development District."

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated by reference, the overall boundaries encompassing 108.77 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS. The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise 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 as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. 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 Eagle Lake ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general purpose government.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Brent Elliott, Wendy Kerr, Halsey Carson, Dorothy T. Mobley, and Branden Eckenrode. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.


SECTION 8. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue remain in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption.

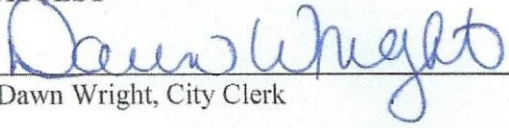
INTRODUCED AND PASSED on first reading at the regular meeting of the City Commission of Eagle Lake, Florida, held this 7th day of February 2022.

PASSED AND ADOPTED on second reading at the regular meeting of the City Commission of Eagle Lake, Florida, held this 7th day of March 2022

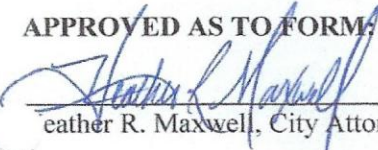
CITY OF EAGLE LAKE


Cory Coler, Mayor

ATTEST


Dawn Wright, City Clerk

APPROVED AS TO FORM:


Heather R. Maxwell, City Attorney

**I HEREBY CERTIFY THAT THE
ABOVE AND FOREGOING IS A TRUE
AND CORRECT COPY OF RECORDS
ON FILE IN THE OFFICE OF THE
CITY CLERK OF THE CITY OF
EAGLE LAKE, FLORIDA.**


CITY CLERK


DATE

EXHIBIT A
EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA AND CONTAINING ALL OR PARTS OF LOTS 75, 78, 79, 101, 102, 103, 105, 106, 107, AND 108, AND CERTAIN PLATTED, UNOPENED RIGHTS-OF-WAY AROUND AND BETWEEN SAID LOTS, ALL OF WAHNETA FARMS AS RECORDED IN PLAT BOOK 1, PAGES 82A AND 82B OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND CONTAINING ALL OF LOTS 1, 2, 3, AND 4, AND CERTAIN PLATTED, UNOPENED RIGHTS-OF-WAY AROUND AND BETWEEN SAID LOTS, ALL OF J.A. JOHNSON'S SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 103, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 8, THE SAME ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 7; THENCE NORTH 00°15'06" WEST ALONG THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 8, AND THE EAST BOUNDARY OF THE NORTHEAST 1/4 OF SAID SECTION 7, A DISTANCE OF 1992.22 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF THE AFOREMENTIONED LOT 75, WAHNETA FARMS; THENCE NORTH 89°40'06" EAST, ALONG SAID EXTENSION AND THE NORTH LINE OF SAID LOT 75, A DISTANCE OF 660.70 FEET TO THE EAST LINE THEREOF; THENCE SOUTH 00°07'26" EAST ALONG SAID EAST LINE, A DISTANCE OF 667.66 FEET TO THE CENTERLINE OF THAT PLATTED, UNOPENED RIGHT-OF-WAY LYING NORTH OF THE AFOREMENTIONED LOT 79; THENCE NORTH 89°40'41" EAST ALONG SAID CENTERLINE, A DISTANCE OF 661.86 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THE AFORESAID LOT 79; THENCE SOUTH 00°12'51" EAST ALONG SAID EXTENSION AND THE SAID EAST LINE OF LOT 79, A DISTANCE OF 674.79 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 15.00 FEET OF THE AFOREMENTIONED LOT 101; THENCE NORTH 89°52'46" EAST ALONG SAID SOUTH LINE OF THE NORTH 15.00 FEET OF LOT 101, A DISTANCE OF 659.19 FEET TO A POINT ON THE EAST LINE OF SAID LOT 101; THENCE SOUTH 00°41'43" EAST ALONG THE EAST LINE OF SAID LOT 101, A DISTANCE OF 655.14 FEET TO THE SOUTH BOUNDARY OF THE AFOREMENTIONED NORTHWEST 1/4 OF SECTION 8; THENCE SOUTH 89°53'50" WEST ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 665.40 FEET TO THE EAST LINE OF THE AFOREMENTIONED LOT 1, J.A. JOHNSON'S SUBDIVISION; THENCE SOUTH 00°19'33" EAST ALONG THE EAST LINE OF SAID LOT 1 AND THE EAST LINE OF THE AFOREMENTIONED LOT 4 OF J.A. JOHNSON'S SUBDIVISION, A DISTANCE OF 605.95 FEET TO A POINT WHICH LIES 54.58 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 4; THENCE DEPARTING SAID EAST LINE, SOUTH 24°19'20" WEST, A DISTANCE OF 59.95 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 4 AT A POINT WHICH LIES 25.00 FEET WEST OF THE AFOREMENTIONED SOUTHEAST CORNER OF LOT 4; THENCE SOUTH 89°53'44" WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF THE AFOREMENTIONED LOT 3 OF J.A. JOHNSON'S SUBDIVISION, A DISTANCE OF 1295.69 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE AFOREMENTIONED LOT 108 OF WAHNETA FARMS; THENCE SOUTH 00°11'56" EAST ALONG THE EAST LINE OF SAID LOT 108, A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF THE NORTH 50 FEET OF SAID LOT 8; THENCE NORTH 89°53'07" WEST ALONG SAID SOUTH LINE OF THE NORTH 50 FEET, A DISTANCE OF 645.01 FEET TO THE WEST LINE OF THE EAST 645 FEET OF THE NORTH 50 FEET OF SAID LOT 108; THENCE NORTH 00°11'56" WEST ALONG SAID WEST LINE, A DISTANCE OF 50.00 FEET TO THE NORTH LINE OF SAID LOT 108 AND THE SOUTH LINE OF THE AFOREMENTIONED LOT 107, WAHNETA FARMS; THENCE NORTH 89°53'07" WEST ALONG THE SOUTH LINE OF SAID LOT 107 AND THE SOUTH LINE OF THE AFOREMENTIONED LOT 106, A DISTANCE OF 50.61 FEET; THENCE DEPARTING THE SOUTH LINE OF SAID LOT 106, NORTH 00°07'56" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°53'07" WEST, 20.00 FEET NORTH OF AND PARALLEL TO THE AFORESAID SOUTH LINE OF LOT 106, A DISTANCE OF 195.93 FEET TO THE NORTHERLY MAINTAINED RIGHT-OF-WAY OF EAGLE LAKE LOOP ROAD AS RECORDED IN MAP BOOK 4, PAGE 223 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.) NORTH 40°28'10" WEST, 77.36 FEET; THENCE 2.) NORTH 44°06'55" WEST, 109.56 FEET; THENCE 3.) NORTH 45°00'53" WEST, 100.56 FEET; THENCE 4.) NORTH 48°32'46" WEST, 100.10 FEET; THENCE 5.) NORTH 50°22'41" WEST, 100.01 FEET; THENCE 6.)

NORTH 53°15'12" WEST, 102.85 FEET; THENCE 7.) NORTH 61°07'59" WEST, 4.86 FEET TO THE WEST LINE OF THE AFORESAID LOT 106 OF WAHNETA FARMS; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 00°01'42" EAST ALONG THE WEST LINE OF SAID LOT 106 AND THE WEST LINE OF THE AFOREMENTIONED LOT 105, A DISTANCE OF 908.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 105; THENCE SOUTH 89°39'01" EAST ALONG THE NORTH LINE OF SAID LOT 105, A DISTANCE OF 654.79 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00°06'38" EAST ALONG THE EAST LINE OF SAID LOT 105, A DISTANCE OF 663.31 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7; THENCE SOUTH 89°34'42" EAST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 7, A DISTANCE OF 668.79 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING: 108.77 ACRES, MORE OR LESS.

PETITION TO ESTABLISH EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT

SUBMITTED BY:

KE LAW GROUP, PLLC
Roy Van Wyk, Esq.
Florida Bar No. 631299
roy@kelawgroup.com
Post Office Box 6386
Tallahassee, Florida 32314
Attorney for Petitioner

DECEMBER 27, 2021

CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA

BEFORE THE BOARD OF CITY COMMISSIONERS OF THE CITY OF EAGLE LAKE, FLORIDA

PETITION TO ESTABLISH EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Eagle Hammock of Eagle Lake, LLC, a Florida limited liability company (hereafter "Petitioner"), hereby petitions the City Commission of the City of Eagle Lake, Florida pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, to establish a community development district (hereafter "District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District will be located entirely within the City of Eagle Lake, Florida (hereafter "City"). **Exhibit 1** depicts the general location of the project. The proposed District covers 108.77 acres of land, more or less. The legal description that forms the external boundaries of the proposed District along with a depiction of the boundaries is set forth in **Exhibit 2**.

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

3. 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: Brent Elliot
Address: 4900 Dundee Rd
 Winter Haven, Florida 33884

Name: Wendy Kerr
Address: 4900 Dundee Road
 Winter Haven, Florida 33884

Name: Halsey Carson
Address: 4900 Dundee Rd
Winter Haven, Florida 33884

Name: Dorothy T. Mobley
Address: 4900 Dundee Rd
Winter Haven, Florida 33884

Name: Branden Eckenrode
Address: 4900 Dundee Road
Winter Haven Florida 33884

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

4. Name. The proposed name of the District is the Eagle Hammock Community Development District.

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

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

7. District Facilities and Services. The District is presently expected to finance, construct, and install improvements and facilities to benefit the lands within the District in a single phase over a two (2) year period from 2021-2022. **Composite Exhibit 7** describes the estimated

construction timeline and the types of facilities the District presently expects to finance, construct, and install, as well as the entities anticipated for future ownership, operation, and maintenance. The estimated costs of construction are also identified in **Composite Exhibit 7**. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. 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* (2021). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

9. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Roy Van Wyk, Esq. whose mailing address is Post Office Box 6386, Tallahassee, Florida 32314, as its authorized agent. See **Exhibit 9** - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Roy Van Wyk, Esq.
KE Law Group, PLLC
PO Box 6386
Tallahassee, Florida 32314

10. This petition to establish the Eagle Hammock Community Development District should be granted for the following reasons:

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

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

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

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

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

WHEREFORE, Petitioners respectfully request the City Commission of the City of Eagle Lake, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), *Florida Statutes* (2021);

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2021);

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

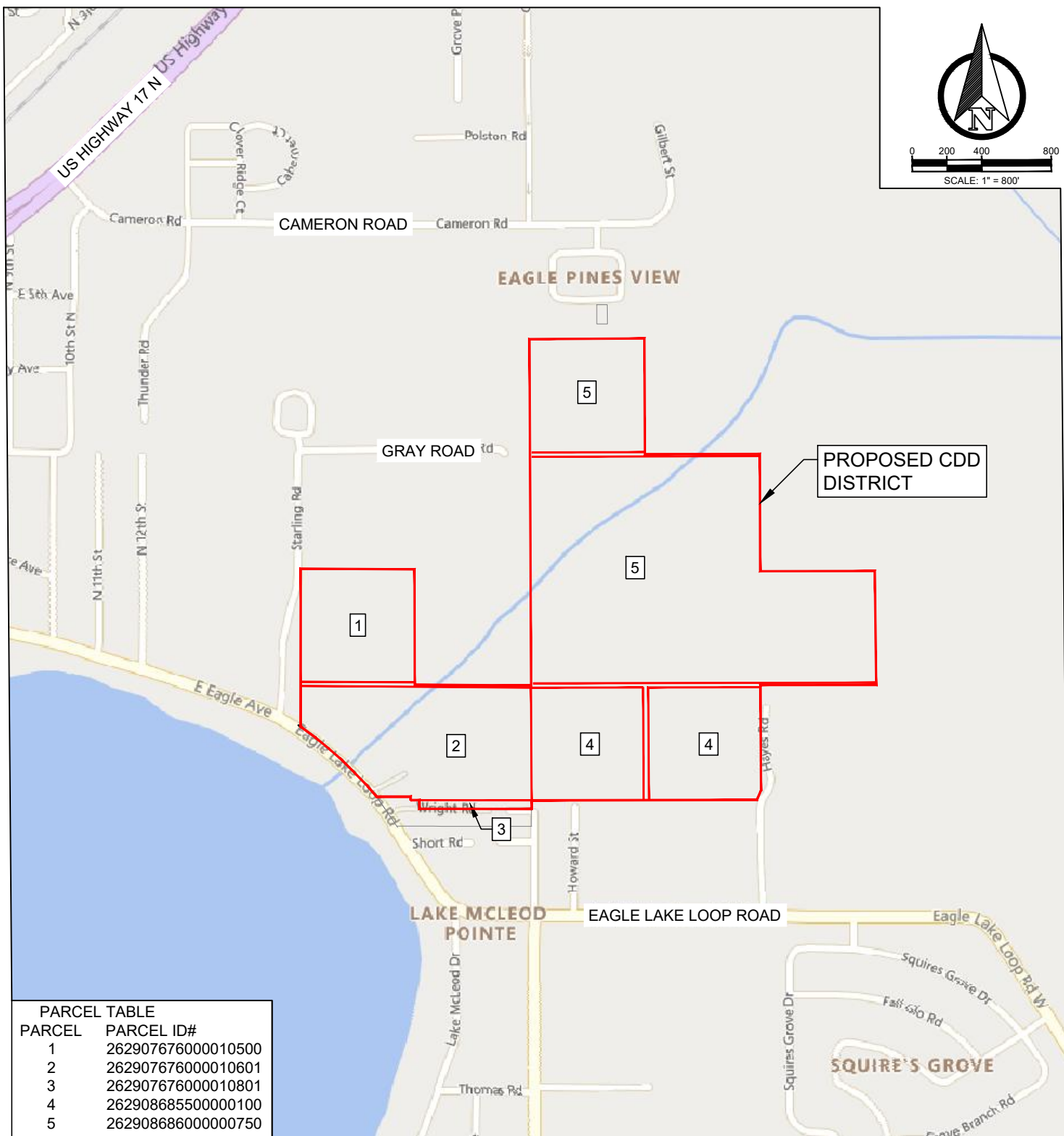
RESPECTFULLY SUBMITTED, this 7th day of January, 2022.

KE LAW GROUP, PLLC

/s/ Roy Van Wyk
Roy Van Wyk, Esq.
roy@kelawgroup.com
Florida Bar No. 631299
KE Law Group, PLLC
PO Box 6386
Tallahassee, Florida 32314
(850) 566-7618 (telephone)
Attorney for Petitioner

EXHIBIT 1

x:\PROJECTS\1185.01 - CENTER STATE DEV - 1000 Oaks\DRAWINGS\ENGINEERING\1185.01 - CDD EXHIBIT.dwg



PARCEL TABLE	
PARCEL	PARCEL ID#
1	262907676000010500
2	262907676000010601
3	262907676000010801
4	262908685500000100
5	2629086860000000750



**GADD
& ASSOCIATES**
CIVIL ENGINEERING & CONSULTING
1925 US HWY 98 S, SUITE 201
LAKELAND, FL 33801
PHONE: (863) 940-9979
Certificate of Authorization #30194
www.GaddCivil.com

EXHIBIT 1

EAGLE HAMMOCK COMMUNITY
DEVELOPMENT DISTRICT

1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

LOCATION MAP

EXHIBIT 2

LEGAL DESCRIPTION

(BY SURVEYOR)

EAGLE HAMMOCK CDD
POLK COUNTY, FLORIDA
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA AND CONTAINING ALL OR PARTS OF LOTS 75, 78, 79, 101, 102, 103, 105, 106, 107, AND 108, AND CERTAIN PLATTED, UNOPENED RIGHTS-OF-WAY AROUND AND BETWEEN SAID LOTS, ALL OF WAHNETA FARMS AS RECORDED IN PLAT BOOK 1, PAGES 82A AND 82B OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND CONTAINING ALL OF LOTS 1, 2, 3, AND 4, AND CERTAIN PLATTED, UNOPENED RIGHTS-OF-WAY AROUND AND BETWEEN SAID LOTS, ALL OF J.A. JOHNSON'S SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 103, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING: 108.77 ACRES, MORE OR LESS.

EXHIBIT 2

EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT

1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

LEGAL DESCRIPTION



EXHIBIT 3

**CONSENT AND JOINDER TO ESTABLISHMENT
OF A COMMUNITY DEVELOPMENT DISTRICT**

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

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

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

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

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the Community Development District in substantially this form.

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

[signatures on following page]

Executed this 4 day of November, 2021.

Signed, sealed and delivered
in the presence of:

Eagle Hammock of Eagle Lake, LLC,
a Florida limited liability company

By: **Center State Development 2, LLC**
Its: Manager

By: **HRB Land Investments, LLC**
Its: Manager

And

By: **RJA Land and Development LLC**
Its: Manager

[Signature]
Print Name: Brent Elliott

[Signature]
By: Harold R. Baxter, as Manager of
HRB Land Investments, LLC

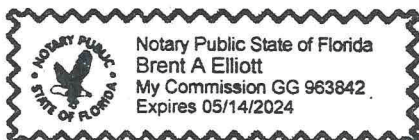
[Signature]
Print Name: Halsey Carson

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me ☒ physical presence or ☐ online
notarization this 4 day of November, 2021, by Harold R. Baxter as Manager of HRB Land
Investments, LLC, Manager of Center State Development 2, LLC, as Manager of Eagle Hammock
of Eagle Lake, LLC, on behalf of the limited liability companies. He is personally known to me or
has produced _____ as identification.

[notary seal]

[Signature]
Print Name: Brent Elliott
Notary Public, State of Florida



{SIGNATURE PAGE CONTINUES}

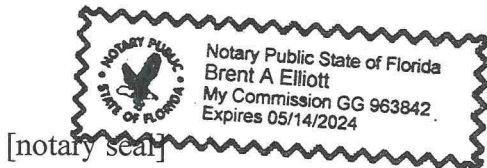
Brent Elliott
Print Name: _____

Robert J. Adams
By: Robert J. Adams, as Manager of
RJA Land and Development, LLC

Halsey Carson
Print Name: _____

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me ☒ physical presence or ☐ online notarization this 4 day of November, 2021, by Robert J. Adams as Manager of RJA Land and Development, LLC, Manager of Center State Development 2, LLC, as Manager of Eagle Hammock of Eagle Lake, LLC, on behalf of the limited liability companies. He is personally known to me or has produced _____ as identification.



Brent Elliott
Print Name: _____
Notary Public, State of Florida

Exhibit A: Property Description

EXHIBIT A

LEGAL DESCRIPTION

(BY SURVEYOR)

EAGLE HAMMOCK CDD
POLK COUNTY, FLORIDA
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 29 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA AND CONTAINING ALL OR PARTS OF LOTS 75, 78, 79, 101, 102, 103, 105, 106, 107, AND 108, AND CERTAIN PLATTED, UNOPENED RIGHTS-OF-WAY AROUND AND BETWEEN SAID LOTS, ALL OF WAHNETA FARMS AS RECORDED IN PLAT BOOK 1, PAGES 82A AND 82B OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AND CONTAINING ALL OF LOTS 1, 2, 3, AND 4, AND CERTAIN PLATTED, UNOPENED RIGHTS-OF-WAY AROUND AND BETWEEN SAID LOTS, ALL OF J.A. JOHNSON'S SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 103, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 8, THE SAME ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 7; THENCE NORTH 00°15'06" WEST ALONG THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF SAID SECTION 8, AND THE EAST BOUNDARY OF THE NORTHEAST 1/4 OF SAID SECTION 7, A DISTANCE OF 1992.22 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF THE AFOREMENTIONED LOT 75, WAHNETA FARMS; THENCE NORTH 89°40'06" EAST, ALONG SAID EXTENSION AND THE NORTH LINE OF SAID LOT 75, A DISTANCE OF 660.70 FEET TO THE EAST LINE THEREOF; THENCE SOUTH 00°07'26" EAST ALONG SAID EAST LINE, A DISTANCE OF 667.66 FEET TO THE CENTERLINE OF THAT PLATTED, UNOPENED RIGHT-OF-WAY LYING NORTH OF THE AFOREMENTIONED LOT 79; THENCE NORTH 89°40'41" EAST ALONG SAID CENTERLINE, A DISTANCE OF 661.86 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THE AFORESAID LOT 79; THENCE SOUTH 00°12'51" EAST ALONG SAID EXTENSION AND THE SAID EAST LINE OF LOT 79, A DISTANCE OF 674.79 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 15.00 FEET OF THE AFOREMENTIONED LOT 101; THENCE NORTH 89°52'46" EAST ALONG SAID SOUTH LINE OF THE NORTH 15.00 FEET OF LOT 101, A DISTANCE OF 659.19 FEET TO A POINT ON THE EAST LINE OF SAID LOT 101; THENCE SOUTH 00°41'43" EAST ALONG THE EAST LINE OF SAID LOT 101, A DISTANCE OF 655.14 FEET TO THE SOUTH BOUNDARY OF THE AFOREMENTIONED NORTHWEST 1/4 OF SECTION 8; THENCE SOUTH 89°53'50" WEST ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 665.40 FEET TO THE EAST LINE OF THE AFOREMENTIONED LOT 1, J.A. JOHNSON'S SUBDIVISION; THENCE SOUTH 00°19'33" EAST ALONG THE EAST LINE OF SAID LOT 1 AND THE EAST LINE OF THE AFOREMENTIONED LOT 4 OF J.A. JOHNSON'S SUBDIVISION, A DISTANCE OF 605.95 FEET TO A POINT WHICH LIES 54.58 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 4; THENCE DEPARTING SAID EAST LINE, SOUTH 24°19'20" WEST, A DISTANCE OF 59.95 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 4 AT A POINT WHICH LIES 25.00 FEET WEST OF THE AFOREMENTIONED SOUTHEAST CORNER OF LOT 4; THENCE SOUTH 89°53'44" WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE SOUTH LINE OF THE AFOREMENTIONED LOT 3 OF J.A. JOHNSON'S SUBDIVISION, A DISTANCE OF 1295.69 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE AFOREMENTIONED LOT 108 OF WAHNETA FARMS; THENCE SOUTH 00°11'56" EAST ALONG THE EAST LINE OF SAID LOT 108, A DISTANCE OF 50.00 FEET TO THE SOUTH LINE OF THE NORTH 50 FEET OF SAID LOT 8; THENCE NORTH 89°53'07" WEST ALONG SAID SOUTH LINE OF THE NORTH 50 FEET, A DISTANCE OF 645.01 FEET TO THE WEST LINE OF THE EAST 645 FEET OF THE NORTH 50 FEET OF SAID LOT 108; THENCE NORTH 00°11'56" WEST ALONG SAID WEST LINE, A DISTANCE OF 50.00 FEET TO THE NORTH LINE OF SAID LOT 108 AND THE SOUTH LINE OF THE AFOREMENTIONED LOT 107, WAHNETA FARMS; THENCE NORTH 89°53'07" WEST ALONG THE SOUTH LINE OF SAID LOT 107 AND THE SOUTH LINE OF THE AFOREMENTIONED LOT 106, A DISTANCE OF 50.61 FEET; THENCE DEPARTING THE SOUTH LINE OF SAID LOT 106, NORTH 00°07'56" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°53'07" WEST, 20.00 FEET NORTH OF AND PARALLEL TO THE AFORESAID SOUTH LINE OF LOT 106, A DISTANCE OF 195.93 FEET TO THE NORTHERLY MAINTAINED RIGHT-OF-WAY OF EAGLE LAKE LOOP ROAD AS RECORDED IN MAP BOOK 4, PAGE 223 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.) NORTH 40°28'10" WEST, 77.36 FEET; THENCE 2.) NORTH 44°06'55" WEST, 109.56 FEET; THENCE 3.) NORTH 45°00'53" WEST, 100.56 FEET; THENCE 4.) NORTH 48°32'46" WEST, 100.10 FEET; THENCE 5.) NORTH 50°22'41" WEST, 100.01 FEET; THENCE 6.) NORTH 53°15'12" WEST, 102.85 FEET; THENCE 7.) NORTH 61°07'59" WEST, 4.86 FEET TO THE WEST LINE OF THE AFORESAID LOT 106 OF WAHNETA FARMS; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 00°01'42" EAST ALONG THE WEST LINE OF SAID LOT 106 AND THE WEST LINE OF THE AFOREMENTIONED LOT 105, A DISTANCE OF 908.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 105; THENCE SOUTH 89°39'01" EAST ALONG THE NORTH LINE OF SAID LOT 105, A DISTANCE OF 654.79 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00°06'38" EAST ALONG THE EAST LINE OF SAID LOT 105, A DISTANCE OF 663.31 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7; THENCE SOUTH 89°34'42" EAST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 7, A DISTANCE OF 668.79 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING: 108.77 ACRES, MORE OR LESS.



EAGLE HAMMOCK COMMUNITY
DEVELOPMENT DISTRICT

1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT 4

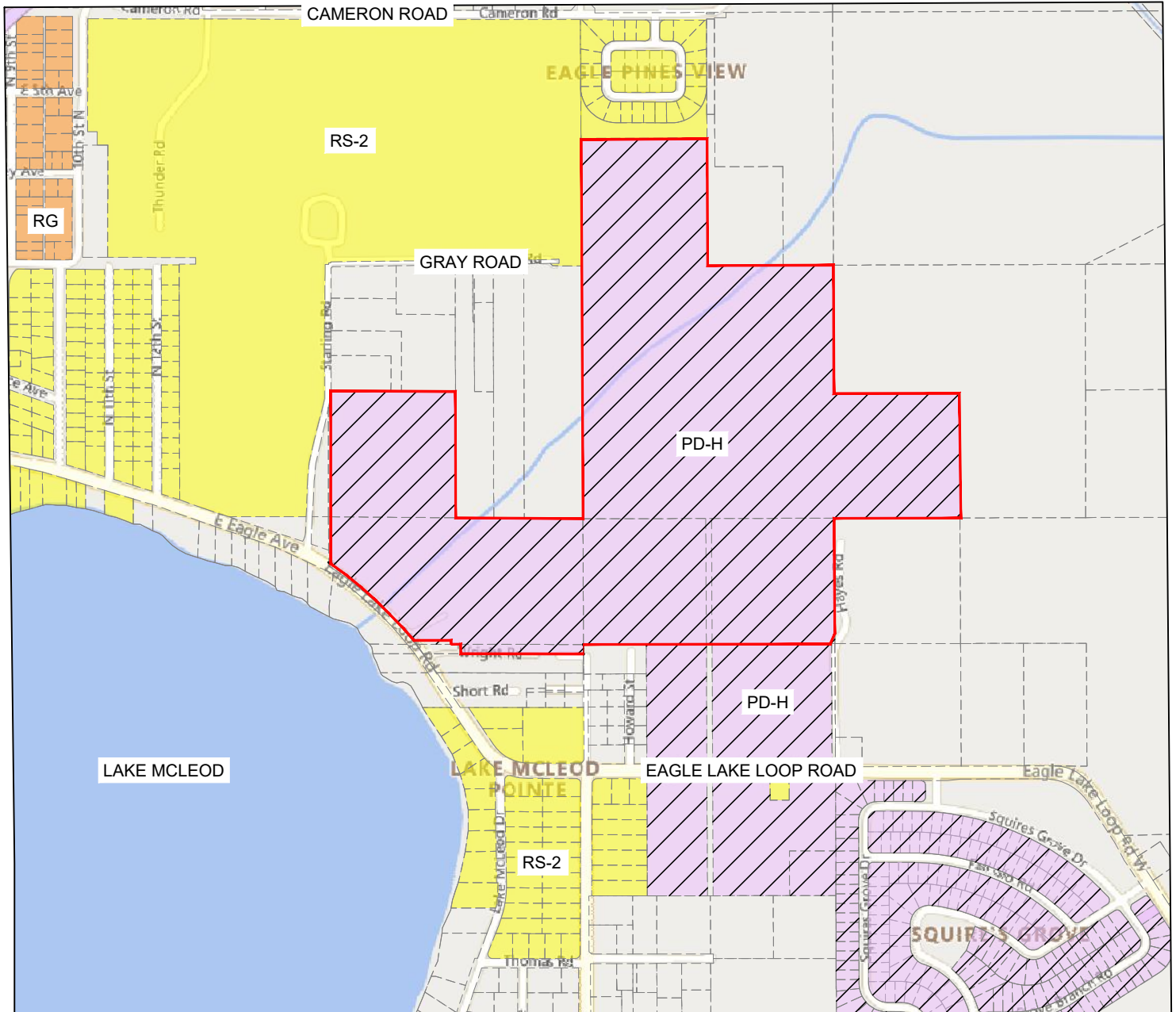
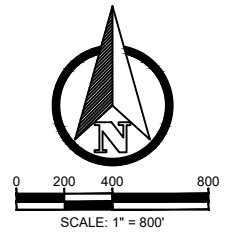


EXHIBIT 4

EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT

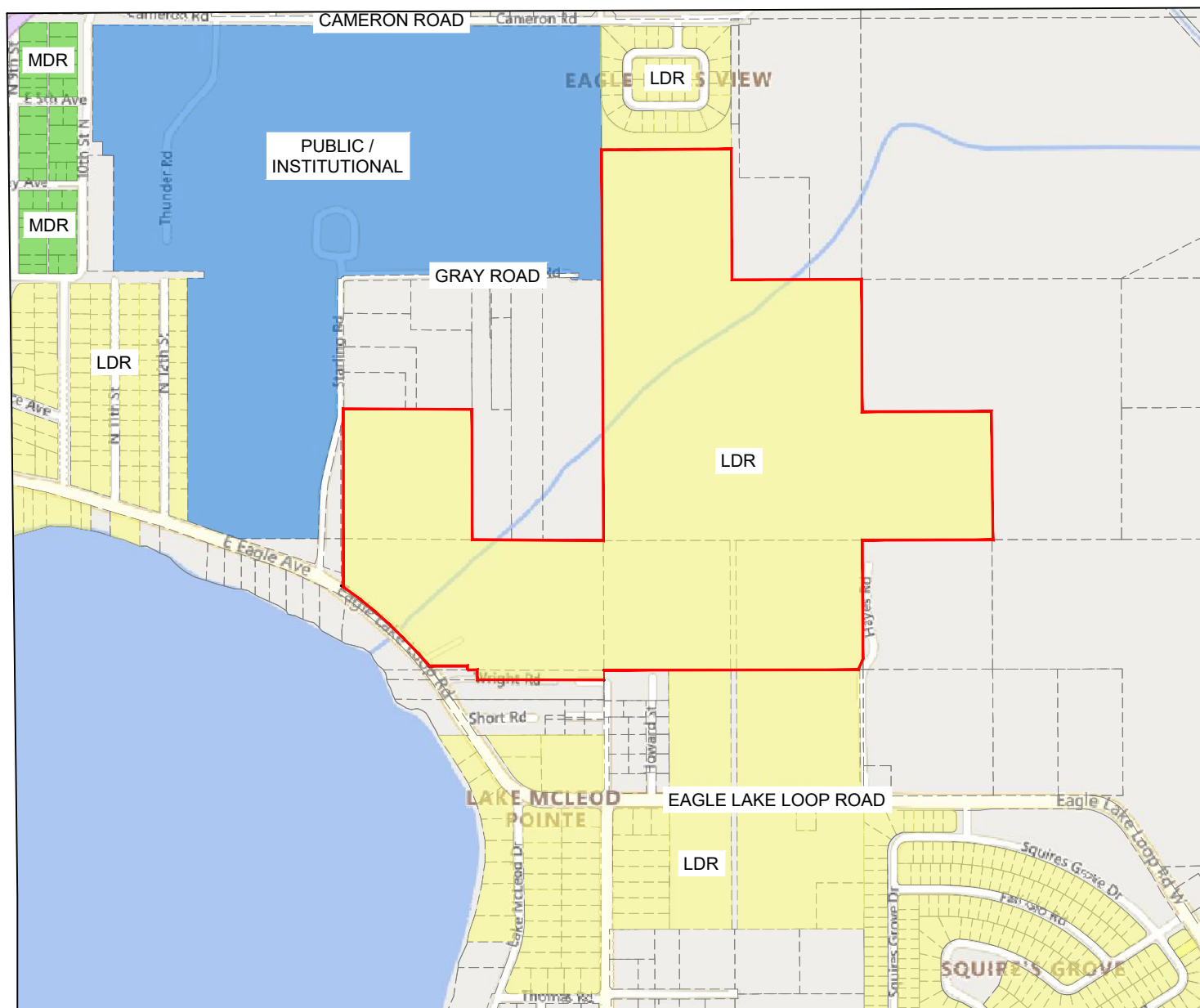
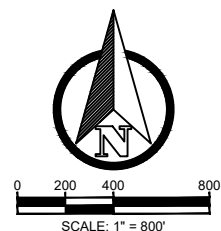
1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

ZONING MAP



**GADD
& ASSOCIATES**
CIVIL ENGINEERING & CONSULTING
1925 US HWY 98 S, SUITE 201
LAKELAND, FL 33801
PHONE: (863) 940-9979
Certificate of Authorization #30194
www.GaddCivil.com

EXHIBIT 5



LEGEND

LDR LOW DENSITY RESIDENTIAL
MDR MID DENSITY RESIDENTIAL



GADD
& ASSOCIATES
CIVIL ENGINEERING & CONSULTING
1925 US HWY 98 S, SUITE 201
LAKELAND, FL 33801
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EXHIBIT 5

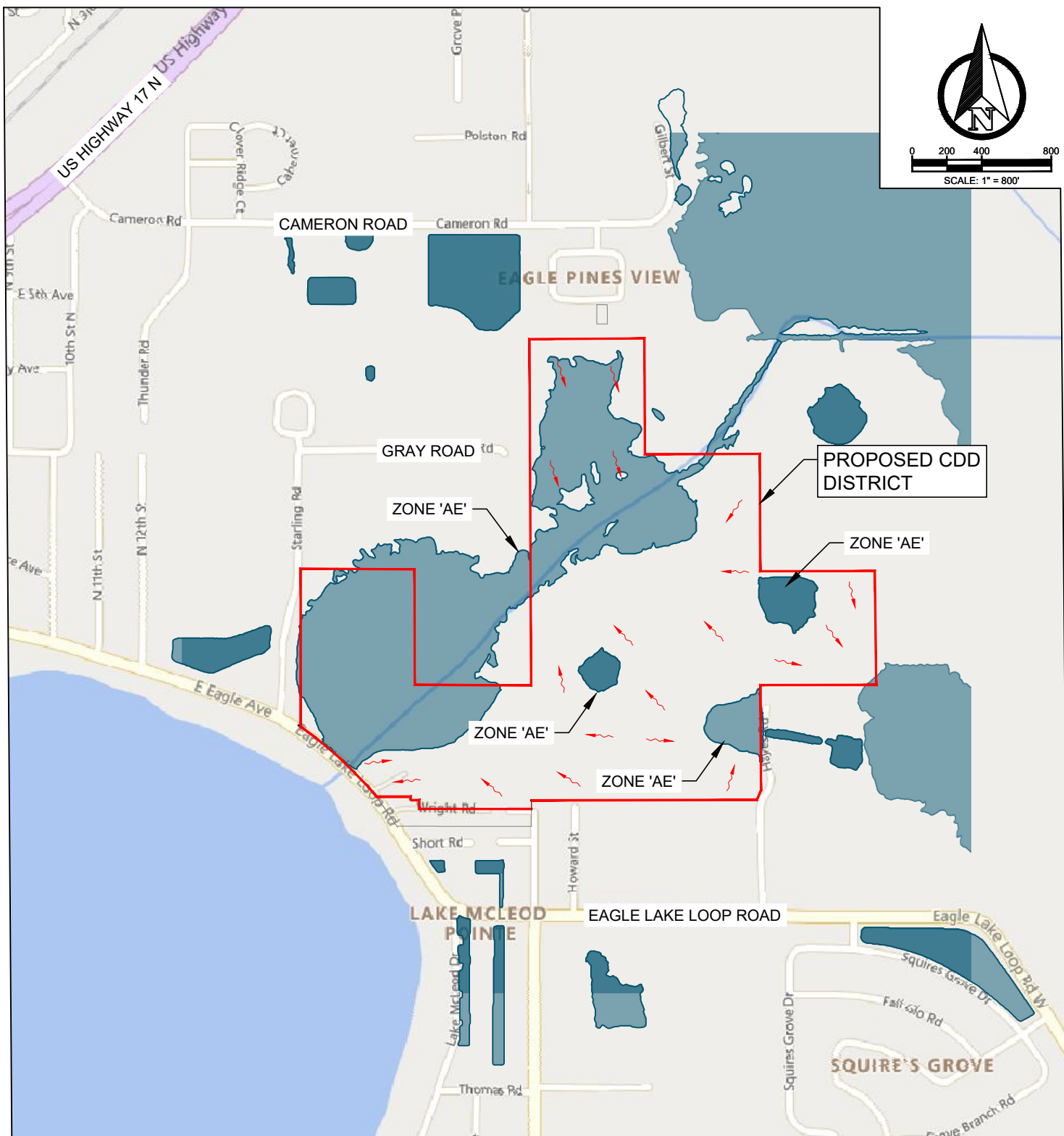
EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT

1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

FUTURE LAND USE MAP

COMPOSITE EXHIBIT 6

x:\PROJECTS\1185.01 - CENTER STATE DEV - 1000 Oaks\DRAWINGS\ENGINEERING\1185.01 - CDD EXHIBIT.dwg



LEGEND



FLOW DIRECTION



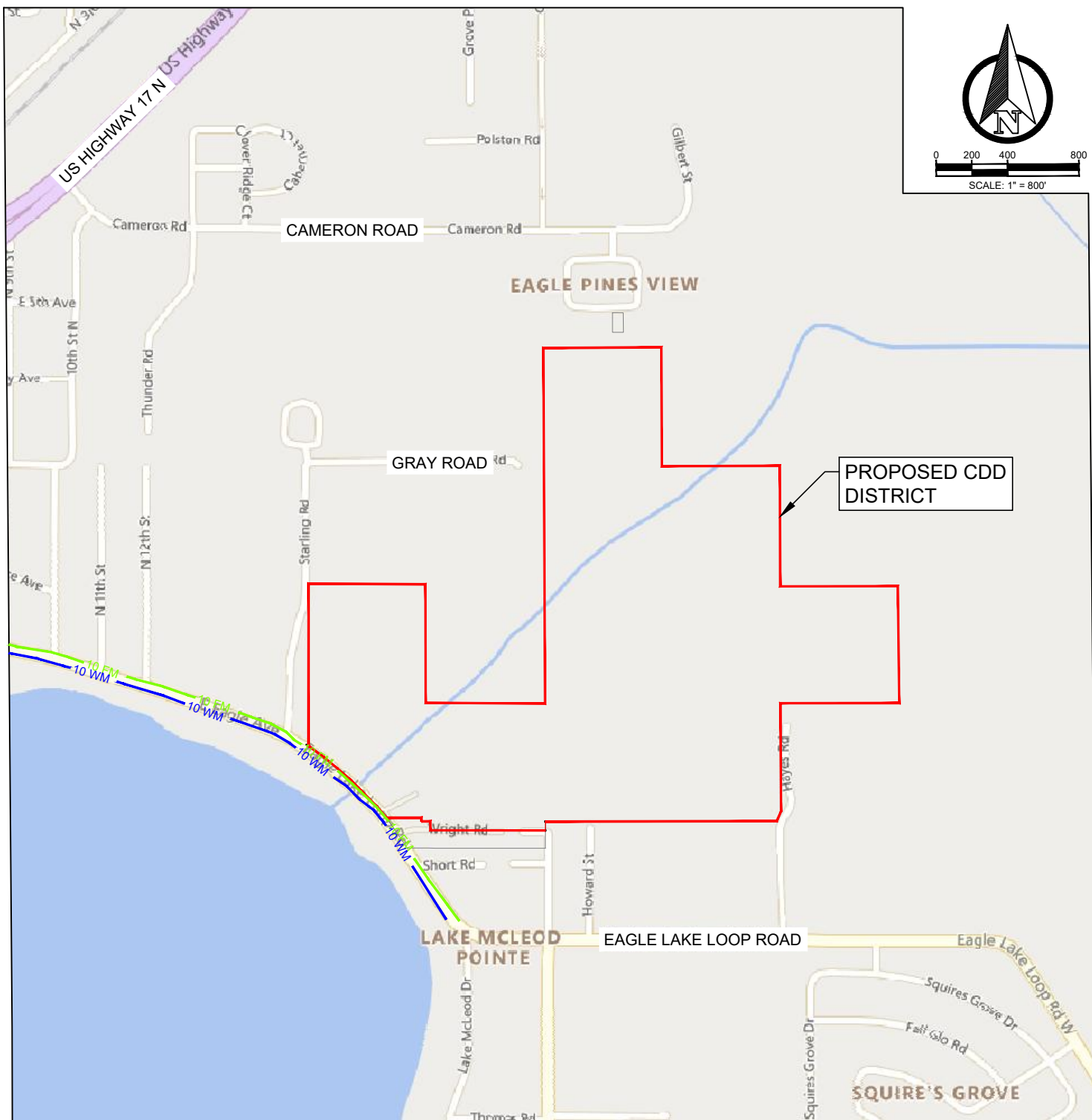
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COMPOSITE EXHIBIT 6

**EAGLE HAMMOCK COMMUNITY
DEVELOPMENT DISTRICT**

1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

DRAINAGE MAP



LEGEND

- 10 WM EXISTING 10" WATER MAIN
- 10 FM EXISTING 10" FORCE MAIN



**GADD
& ASSOCIATES**
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COMPOSITE EXHIBIT 6

EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT

1065 EAGLE LAKE LOOP ROAD
EAGLE LAKE, FL 33839

WATER & WASTEWATER MAP

COMPOSITE EXHIBIT 7

Composite Exhibit 7
Eagle Hammock
Community Development District
Summary of Proposed District Facilities

<u>District Infrastructure</u>	<u>Construction</u>	<u>Ownership</u>	<u>Capital Financing*</u>	<u>Operation and Maintenance</u>
Offsite Improvements	District	Polk County	District Bonds	Polk County
Stormwater Facilities	District	District	District Bonds	District
Lift Stations/Water/Sewer	District	City of Eagle Lake	District Bonds	City of Eagle Lake
Street Lighting/Conduit	District	**District	District Bonds	**District
Onsite Road Construction	District	District	District Bonds	District
Entry Feature & Signage	District	District	District Bonds	District
Parks and Recreational Facilities	District	District	District Bonds	District

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

** Street lighting/conduit shall be owned and maintained by the District or the District shall enter into a lease with Tampa Electric Company.

Composite Exhibit 7
Eagle Hammock CDD
SUMMARY OF OPINION OF PROBABLE COSTS

Number of Lots	<u>263</u>
Infrastructure ⁽¹⁾	
Offsite Road Improvements ^{(5) (6)}	\$ 364,250
Stormwater Management ⁽²⁾⁽³⁾⁽⁵⁾⁽⁶⁾	\$ 1,897,500
Utilities (Water, Sewer, Elect. & Street Lighting) ⁽⁵⁾⁽⁶⁾	\$ 2,076,500
Internal Roadways ⁽⁴⁾⁽⁵⁾⁽⁶⁾	\$ 1,072,500
Entry Feature & Signage ⁽⁶⁾⁽⁷⁾	\$ 200,000
Park and Recreational Facilities ⁽⁶⁾	\$ 550,000
Contingency	\$ 616,075
TOTAL	\$ 6,776,825

Notes:

1. Infrastructure consists of public roadway improvements, stormwater management facilities, master sanitary sewer lift station and utilities, entry feature, landscaping and signage, and parks and recreational facilities.
2. Excludes grading of each lot both for initial pad construction and in conjunction with home construction, which will be provided by developer or homebuilder.
3. Includes stormwater pond excavation. Costs do not include transportation to or placement of fill on private property.
4. Includes sub-grade, base, asphalt paving, curbing, and civil/site engineering.
5. Includes subdivision infrastructure and civil/site engineering.
6. Estimates are based on 2021 cost
7. Includes entry features, signage, hardscape, landscape, irrigation and fencing.
8. CDD will enter into a Lighting Agreement with Tampa Electric for the street light poles and lighting service. Only undergrounding of wire in public right-of-way and on District land is included.
9. Internal Sidewalk shall be constructed along common areas only
10. The improvements will be on land that upon acquisition of the improvements by the District, is owned by, or subject to permanent easement in favor of, the district or another government entity.

EXHIBIT 8

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to establish the **Eagle Hammock Community Development District** (the “District”). The proposed District comprises approximately 108.77 acres of land located within the City of Eagle Lake, Florida (“The City”). The project is planned for approximately 263 residential units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes, as follows:

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

1.2 Overview of the Eagle Hammock Community Development District

The District is designed to provide community infrastructure, services, and facilities along with operation and maintenance of such facilities and services to the lands within the District. The District will encompass approximately 108.77 acres.

The Development plan for the proposed lands within the District includes approximately 263 residential units to be constructed in multiple phases. Such uses are authorized for inclusion within the District. A Community Development District (“CDD”) is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers.” Section 190.002(1)(a), Florida Statutes.

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

1.3 Requirements for Statement of Estimated Regulatory Costs

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

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

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

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

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

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

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

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

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

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

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

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

As noted above, the Eagle Hammock Community Development District is a community designed for approximately 263 residential units. Formation of the District would put all of these units under the jurisdiction of the District. Prior to sale of any units, all of the land owned by the developer and any other landowner will also be under the jurisdiction of the District.

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

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

4.1 Costs of Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

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

City of Eagle Lake

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

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

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

4.2 Impact on State and Local Revenues

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

In this regard it is important to note that any debt obligations incurred by the District to construct

infrastructure or facilities, or for any other reason, are not debts of the State of Florida or the City. In accordance with Florida law, debts of the District are strictly the District's own responsibility.

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

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

**Table 1.
Summary of Proposed District Facilities**

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

*costs not funded by bonds will be funded by the Developer

**Street lighting/conduit shall be owned and maintained by the District or the District shall enter into a lease with Tampa Electric Company.

The petitioner has estimated the design and development costs for providing the capital facilities. The cost estimates are shown in Table 2 below. Total development costs for these facilities are estimated to be approximately \$6,776,825. The District may issue special assessment bonds or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non-ad valorem assessments levied on all developable properties only within the District that benefit from the District's capital improvement program

Table 2.
Cost Estimate for District Facilities

<u>Number of Lots</u>	<u>1056</u>
<u>Infrastructure</u>	
Offsite Road Improvements	\$364,250
Stormwater Management	\$1,897,500
Utilities (Water, Sewer, & Street Lighting)	\$2,076,500
Internal Roadways	\$1,072,500
Entry Feature and Signage	\$200,000
Parks and Recreation Facilities	\$550,000
Contingency	\$616,075
Total	\$6,776,825

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

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

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

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

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

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

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

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

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

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

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

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

7.0 Any additional useful information.

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

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

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

*Prepared by:
Governmental Management Services - Central Florida, LLC*

EXHIBIT 9

Authorization of Agent

This letter shall serve as a designation of Roy Van Wyk, Esq. and Sarah S. Warren, Esq. whose address is 2016 Delta Boulevard, Suite 101, Tallahassee, Florida 32303, to act as agents for Eagle Hammock of Eagle Lake, LLC, a Florida limited liability company, with regard to any and all matters pertaining to the petition to the City Council of the City of Eagle Lake, Florida to establish a community development district pursuant to Chapter 190, *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

Signed, sealed and delivered
in the presence of:

Dated: 11/4/21

Eagle Hammock of Eagle Lake, LLC,
a Florida limited liability company

By: **Center State Development 2, LLC**
Its: Manager

By: **HRB Land Investments, LLC**
Its: Manager

And

By: **RJA Land and Development LLC**
Its: Manager

[Signature]
Print Name: Brent Elliott

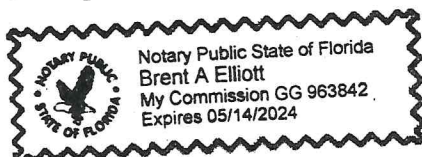
[Signature]
By: Harold R. Baxter, as Manager of
HRB Land Investments, LLC

[Signature]
Print Name: Halsey Carson

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me ☒ physical presence or ☐ online notarization this 4 day of November, 2021, by Harold R. Baxter as Manager of HRB Land Investments, LLC, Manager of Center State Development 2, LLC, as Manager of Eagle Hammock of Eagle Lake, LLC, on behalf of the limited liability companies. He is personally known to me or has produced _____ as identification.

[notary seal]



[Signature]
Print Name: Brent Elliott
Notary Public, State of Florida

Brent Elliott
Print Name: Brent Elliott

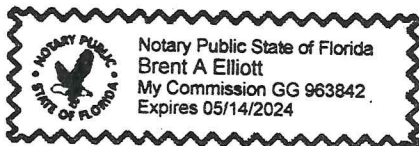
Robert J. Adams
By: Robert J. Adams, as Manager of
RJA Land and Development, LLC

Halsey Carson
Print Name: Halsey Carson

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me ☒ physical presence or ☐ online
notarization this 4 day of November, 2021, by Robert J. Adams as Manager of RJA Land
and Development, LLC, Manager of Center State Development 2, LLC, as Manager of Eagle
Hammock of Eagle Lake, LLC, on behalf of the limited liability companies. He is personally
known to me or has produced _____ as identification.

[notary seal]



Brent Elliott
Print Name: Brent Elliott
Notary Public, State of Florida

BEFORE THE CITY COMMISSION OF THE
CITY OF EAGLE LAKE, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
EAGLE HAMMOCK COMMUNITY)
DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Polk

I, Brent Elliott of Eagle Hammock of Eagle Lake, LLC, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Brent Elliott, and I am a representative for the Petitioner, Eagle Hammock of Eagle Lake, LLC.
3. The prepared written, pre-filed testimony consisting of six (6) pages, submitted under my name to the City Commission of the City of Eagle Lake, Florida relating to the establishment of the Eagle Hammock 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 Eagle Hammock Community Development District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the Petition to Establish the Eagle Hammock Community Development District, its exhibits and the reasons for establishing the District are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various statutory requirements and an overview of the proposed development within the proposed Eagle Hammock Community Development District.

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

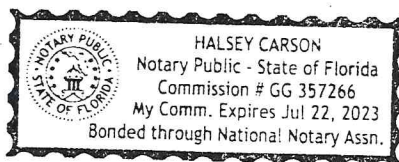
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 17 day of February, 2022.

Brent Elliott
Brent Elliott

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17 of February, 2022, by Brent Elliott, who is personally known to me or who has produced _____ as identification.



Halsey Carson
(Official Notary Signature & Seal)

Name: Halsey Carson
Personally Known X
OR Produced Identification _____
Type of Identification _____

**TESTIMONY OF BRENT ELLIOTT
FOR EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Brent Elliott. My business address is 4900 Dundee Rd, Winter Haven, Florida 33884.

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

I am the Chief Financial Officer for Eagle Hammock of Eagle Lake, LLC.

3. Briefly summarize your duties and responsibilities.

I am responsible for the oversight of all financial matters related to the company and its subsidiaries.

4. Briefly describe your educational background.

I hold a Masters Degree in Accounting from the University of South Florida and have been a Certified Public Accountant for 21 years.

5. Who is the Petitioner in this proceeding?

The Petitioner is Eagle Hammock of Eagle Lake, LLC ("Petitioner"), which is the business entity that is developing the area identified in the petition ("Petition").

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

Yes.

7. What is the proposed name of the District?

The "Eagle Hammock Community Development District" (the "District").

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

Yes, I have.

9. Are there any changes or corrections to the Petition?

No.

1
2 **10. Are there any other changes or corrections to any of the documents attached to the**
3 **Petition at this time?**

4
5 No.

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

8
9 Exhibit 1 consists of a map showing the general location and boundaries of the proposed
10 District, and identifies the identification numbers of those parcels to be included within the
11 proposed District.

12
13 Exhibit 2 is a legal description of the boundaries of the proposed District that was prepared
14 at the direction of the Petitioner.

15
16 Exhibit 3 consists of the landowner's consent to the establishment executed by Eagle
17 Hammock of Eagle Lake, LLC, as owner of the lands to be included within the proposed
18 District. Petitioner has provided written consent of 100% of the fee owner of the lands to be
19 included in the proposed District.

20
21 Exhibit 4 depicts the existing use for the lands contained within the proposed District and
22 surrounding areas.

23
24 Exhibit 5 depicts the future distribution, location and extent of the public and private land
25 uses proposed for the District by the future land use plan element of the City of Eagle Lake's
26 Comprehensive Plan.

27
28 Composite Exhibit 6 depicts the location of major outfall canals and drainage basins for the
29 lands within the proposed District, as well as the location of existing major trunk water
30 mains, reuse water mains and wastewater interceptors within the currently undeveloped
31 lands to be included with the proposed District.

32
33 Comp. Exhibit 7 describes the construction costs and types of facilities the District presently
34 expects to finance, construct, and install, as well as the entities anticipated for future
35 ownership, operation, and maintenance.

36
37 Exhibit 8 is the Statement of Estimated Regulatory Costs prepared by Governmental
38 Management Services-Central Florida, LLC.

39
40 Exhibit 9 is an authorization of agent form that designates KE Law Group, PLLC as the
41 authorized agent of the Petitioner.
42

1 **12. Were these Exhibits attached to the Petition prepared by you or under your**
2 **supervision?**

3
4 Yes.

5
6 **13. Are the contents of the Petition and the Exhibits attached to it and referenced above**
7 **true and correct to the best of your knowledge?**

8
9 Yes.

10
11 **14. Are you familiar with the area that is proposed to be included within the proposed**
12 **District?**

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

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

17
18 The proposed District covers approximately 108.77 acres, more or less of land.

19
20 **16. What steps were taken with respect to filing the Petition with the City Commission of**
21 **the City of Eagle Lake, Florida (“City”)?**

22
23 On or around December 7, 2021, Petitioner formally submitted the Petition for filing with
24 the City Commission of the City of Eagle Lake, Florida. The Petitioner paid the filing fee
25 of \$15,000.00, in accordance with Section 190.005, *Florida Statutes*.

26
27 On January 28, 2022, Petitioner provided an updated petition revising the Petitioner’s name
28 and Exhibit 8 – the Statement of Estimated Regulatory Costs.

29
30 **17. Has Notice of the Public Hearing been provided in accordance with Section 190.005,**
31 ***Florida Statutes*?**

32
33 The Notice of Public Hearing will be published in the Ledger on the following dates in
34 2022: February 7th, February 14th, February 21st, and February 28th.

35
36 **18. Is the Ledger a newspaper of general circulation in Polk County, Florida?**

37
38 Yes, it is.

39
40 **19. And do you have proof of publication of those notices?**

1 Not at this time, but as soon as we receive the proof of publication at the conclusion of the
2 notice run, we will provide this documentation to the City staff and submit an original proof
3 of publication at the public hearing to establish the proposed District.
4

5 **20. Who are the five persons designated in the Petition to serve as the initial Board of**
6 **Supervisors?**
7

8 The five persons are me, Wendy Kerr, Halsey Carson, Dorothy T. Mobley, and Branden
9 Eckenrode.
10

11 **21. Do you know each of these persons personally?**
12

13 Yes, I do.
14

15 **22. Are each of the persons designated to serve as the initial Board of Supervisors residents**
16 **of the State of Florida and citizens of the United States?**
17

18 Yes, they are.
19

20 **23. Are there residential units planned for development within the proposed District?**
21

22 Yes. There are approximately 263 residential units planned for development within the
23 proposed District.
24

25 **24. Are there residents currently living within the areas to be included within the proposed**
26 **District, and, if so, have they been notified about the creation of the District?**
27

28 No. As of this date, there are no residents living in any of the areas proposed to be included
29 within the boundaries of the proposed District.
30

31 **25. Would you please describe the proposed timetable for development of land within the**
32 **proposed District?**
33

34 The proposed timetable for the construction of infrastructure to develop the land is expected
35 to occur during the period running from 2021 - 2022.
36

37 **26. Would you generally describe the services and facilities you currently expect the**
38 **proposed District to provide?**
39

40 Petitioner presently intends for the District to participate in the acquisition and/or
41 construction of road improvements, entry features and signage, hardscape, landscape,
42 irrigation and fencing, water and sewer facilities, street lighting, stormwater facilities, and
43 parks and recreation amenities. Capital costs of these improvements, including associated

contingencies and professional fees, will be borne by the District. Petitioner's good faith expectation of the costs associated with the acquisition or construction of such improvements is itemized in Composite Exhibit 7 to the Petition.

27. Are these costs expected to include the cost of acquiring land from the developer?

No

28. Do you have an opinion, as someone experienced in development, 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.

29. 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.

30. What is the basis for your opinion?

The size of the proposed Eagle Hammock Community Development District is approximately 108.77 acres of land, more or less. 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.

31. In general, what financing methods does Petitioner propose that the proposed District use to pay for the anticipated facilities and services?

Petitioner presently expects that the District will finance certain services and improvements through the issuance of tax exempt bonds. The debt issued by the proposed District is expected to be retired by funds from landowners in the form of “non-ad valorem” or “special” assessments on benefitted property within the proposed District. Ongoing maintenance and operational activities are expected to be funded by maintenance special assessments. At present, the Petitioner expects that the proposed District may issue both long and short term bonds that will pay a portion of the cost of these facilities. The short term bonds, and any facilities not financed with a bond issue, will be funded by the developer through conventional bank financing.

32. Who will be responsible for paying the proposed District’s assessments?

Only those property owners, including the developer, within the proposed District will be responsible for paying District assessments.

33. Will these debts of the proposed District be an obligation of the City of Eagle Lake or the State of Florida?

No. Florida law provides that community development district debt cannot become the obligation of a city, a county, or the state without the consent of that government.

34. Why is the Petitioner seeking to have a community development district established for this area?

Districts are an efficient, effective way to provide infrastructure and have become accepted in the marketplace by home buyers.

From our perspective, the establishment of a District is logical for this project. It is a long-term, stable, financially-secure entity. The District is a structured, formal entity, with the legal ability to respond to current and future changes in the circumstances and desires of its residents. This project requires that the landowners within the development must provide for the ownership and maintenance of the roadways and stormwater management system. A District is the best mechanism for the perpetual maintenance and operation of such improvements. Under Florida law, the District has access to the county tax collection mechanisms, which helps ensure that assessments will be collected and that the facilities will be maintained. In that sense, to us, it is preferable to a property owners’ association.

In addition, the District has the financial capability to assist in the provision of necessary capital improvements sooner than might otherwise be the case. The City of Eagle Lake, developers, builders and residents will all benefit from these improvements in terms of access, traffic flow, safety, and general property value enhancement.

35. Does this conclude your testimony?

1
2 Yes.
3

IN RE: PETITION TO ESTABLISH THE
EAGLE HAMMOCK COMMUNITY
DEVELOPMENT DISTRICT

6. 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 18 day of FEBRUARY, 2022.

R. Gadd
Rodney Gadd, P.E.

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18 of February, 2022, by Rodney Gadd, who is personally known to me or who has produced _____ as identification.

Stefanie N. Rowan
(Official Notary Signature & Seal)



Name: Stefanie Rowan
Personally Known ☒
OR Produced Identification _____
Type of Identification _____

1 **TESTIMONY OF RODNEY GADD FOR ESTABLISHMENT OF**
2 **EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT**

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

5
6 Rodney Gadd, 1925 US Highway 98 S., Suite 201, Lakeland, Florida 33801.
7

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

9
10 Gadd & Associates, LLC; Civil Engineer.
11

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

13
14 I have held this position for over 8 years.
15

16 **4. Does your firm, Gadd & Associates, LLC represent Eagle Hammock of Eagle Lake,**
17 **LLC (“Petitioner”)?**

18
19 Yes. My firm serves as Design Engineer of Record.
20

21 **5. Please give your educational background, with degrees earned, major areas of study**
22 **and institutions attended.**

23
24 I earned my bachelor’s degree in Civil Engineering (2005) and my master’s degree in
25 civil engineering (2008) from the University of South Florida. I became a registered
26 professional engineer in 2010.
27

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

29
30 Yes, I am registered as a Professional Engineer in the State of Florida (PE License #
31 70875).
32

33 **7. Have you been involved in any developments of the type and nature similar to those**
34 **in the proposed Eagle Hammock Community Development District (“District”)?**

35
36 I have over 17 years of Civil Engineering experience. I am the Engineer of Record for
37 large master planned communities, large and small residential developments, commercial
38 and industrial developments, public roadways, and recreational projects.
39

40 **8. Are you familiar with the Petition (“Petition”) filed by Petitioner with the City**
41 **Commission of the City of Eagle Lake, Florida on or around December 27, 2021, as**
42 **updated on January 28, 2022, seeking the establishment of the proposed District?**
43

1 Yes. My firm assisted the Petitioner with the preparation of some of the exhibits filed
2 with the Petition.

3
4 **9. Are you familiar with those parcels of land proposed to be included in the District**
5 **that are located within the City of Eagle Lake, Florida (“City”)?**

6
7 Yes, I am.

8
9 **10. Are you generally familiar with the geographical area, type, and scope of**
10 **development and the available services and facilities in the vicinity of the proposed**
11 **District?**

12
13 Yes, I am.

14
15 **11. Which documents did you prepare or have others prepare under your supervision?**

16
17 Exhibits 1, 2, 4, 5, and Composite Exhibits 6 and 7.

18
19 **12. Do any of those exhibits require any change or correction?**

20
21 Not to my knowledge.

22
23 **13. Are Exhibits 1, 2, 4, 5, and Composite Exhibits 6 and 7 to the Petition true and**
24 **correct?**

25
26 Yes, to the best of my knowledge.

27
28 **14. In general, what do Exhibits 1, 2, 4, 5, and Composite Exhibits 6 and 7 to the**
29 **Petition demonstrate?**

30
31 These exhibits demonstrate the general location and nature of the proposed
32 improvements, as well as legal descriptions of the proposed District boundaries. They
33 also described the types of facilities, future ownership, operation and maintenance, and
34 the estimated costs of construction.

35
36 **15. What capital facilities are presently expected to be provided by the District?**

37
38 At present, the District is expected to provide offsite improvements, stormwater
39 management, utilities (water, sewer, reclaim and street lighting), roadway improvements,
40 entry features and signage, and parks and amenities.

41
42 **16. Based upon your training and experience as an engineer, do you have an opinion as**
43 **to whether the proposed District is of sufficient size, compactness, and sufficient**

1 **contiguity to be developed as a functional interrelated community?**

2
3 Yes. Based on my experience, the proposed District is of sufficient size, compactness,
4 and contiguity to be developed as a one functional interrelated community.
5

6 **17. What is the basis for your opinion?**
7

8 For many reasons the proposed District facilities can be provided in an efficient,
9 functional and integrated manner.
10

11 First, there are sufficient, significant infrastructure needs for the area within the proposed
12 District to allow development as a functionally interrelated community.
13

14 Second, the specific design of the community allows infrastructure to be provided in a
15 cost-effective manner. The land included within the proposed District area is contiguous,
16 which facilitates an efficient and effective planned development.
17

18 Third, the provision of services and facilities through the use of one development plan
19 provides a contiguous and homogenous method of providing services to lands throughout
20 the District.
21

22 **18. In your opinion, you said the proposed District is sufficiently compact and**
23 **contiguous to be developable as a functionally interrelated community. Would you**
24 **please explain what you mean when stating that the proposed District is of sufficient**
25 **compactness?**
26

27 The District will encompass approximately 108.77 acres, more or less and will provide a
28 range of residential and residential-support land uses that require the necessary elements
29 of infrastructure including roadways, potable water systems, wastewater systems, surface
30 water management systems, landscape and entry monumentation, parks and recreational
31 facilities and other improvements described in the Petition. The proposed District will
32 have sufficient overall residential density to require all the above-mentioned necessary
33 elements of infrastructure of a comprehensive community. These facilities and services
34 require adequate planning, design, financing, construction, and maintenance to provide
35 the community with appropriate infrastructure. The preferred method of developing land,
36 especially for higher density residential uses, is for the development to be spatially
37 compact. This augments the District's ability to construct and maintain improvements,
38 and provide services, in a cost-efficient manner.
39

40 The lands within the proposed District will be developed in one phase within the
41 boundaries of the proposed District as shown in the Petition. All the lands will share a
42 common recreational element(s).
43

1 **19. Can you provide an example of a service or facility and explain why a CDD is a**
2 **preferred alternative for long-term operation and maintenance?**
3

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

16 In comparison, a CDD is a perpetual local government unit, which by law has the
17 requisite assessment authority, including the ability to collect such assessments on the
18 county tax roll. Thus, a CDD generally must simply provide a letter to the SWFWMD
19 stating that the CDD will accept operation and maintenance responsibility. All things
20 being equal, a CDD is preferred over a homeowners' or property owners' association for
21 operation and maintenance of a stormwater management system.
22

23 **20. Does the establishment of the District obviate the need for local land development**
24 **regulations, ordinances or plans?**
25

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

32 **21. Based on your experience, do you have an opinion as to whether the services and**
33 **facilities to be provided by the proposed District will be incompatible with the**
34 **capacities and uses of existing local and regional community facilities and services?**
35

36 Yes. It is my opinion that the proposed services and facilities of the proposed District
37 will not be incompatible with the capacity and uses of existing local or regional
38 community development services and facilities.
39

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

42 Currently, none of the planned infrastructure improvements that the proposed District
43 plans to provide exist on the subject property in a manner which is useful to the proposed

development. Each of the elements of infrastructure for the necessary services and facilities will connect into the existing, surrounding systems according to criteria, review and approval of the existing operational entity; there will be no incompatibility issues.

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

Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is amenable to being served by a separate special district government.

24. What is the basis for your opinion?

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

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

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

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

There would be two alternatives to the establishment of the proposed District. First, to facilitate economic development, accommodate new growth, and provide new services, the City could perhaps provide the selected facilities. The second alternative would be for the developer or property owners' association (POA) to provide the infrastructure using private financing.

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

By comparison of the alternatives referenced above, from a planning perspective, the proposed District is the best alternative available to provide the necessary infrastructure improvements. As a special-purpose "local government," the proposed District is a stable, long-term public entity capable of constructing, maintaining and managing the proposed elements of infrastructure of the necessary facilities and services. The limited purpose and scope of the District, combined with the statutory safeguards in place, such as notice

1 of public hearings and access to district records, would ensure that the proposed District
2 is responsive to the infrastructure needs of the proposed District. The proposed District
3 would be able to obtain low-cost financing to provide the necessary improvements and
4 then impose special or non-ad valorem assessments upon the property owners within the
5 District to fund the infrastructure.

6
7 Only a CDD allows for the independent financing, administration, operations and
8 maintenance of the land within the District. Only a CDD allows district property owners,
9 and eventually residents, to completely control the district board and, therefore, the
10 timing and extent of infrastructure improvement and maintenance. Knowing when, where
11 and how infrastructure will be needed to service the projected population of an area
12 allows for the smooth delivery of those facilities. The proposed District exceeds other
13 available alternatives at focusing attention to when and where and how the next system of
14 infrastructure will be required for this specific area. This results in a full utilization of
15 existing facilities before new facilities are constructed. It reduces the delivered cost to the
16 citizens being served. All other alternatives do not have these characteristics.

17
18 **28. In the course of your work in Florida, have you had an opportunity to work with the**
19 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

20
21 Yes. In the course of producing planning documents for private development proposals, I
22 have often referred to the State Comprehensive Plan.

23
24 **29. In the course of your work in Florida, have you had an opportunity to review local**
25 **government comprehensive plans?**

26
27 Yes. In fact, I have reviewed the City of Eagle Lake Comprehensive Plan in the course
28 of my work.

29
30 **30. At this point, I will ask you to address certain matters that are related to land use**
31 **and comprehensive planning. Are you familiar with the development approvals that**
32 **have been obtained or are being sought by the Petitioner to govern the lands within**
33 **the proposed District?**

34
35 Yes, I am.

36
37 **31. Based upon your training and experience as a civil engineer specializing in land**
38 **development, do you have an opinion as to whether the proposed District is**
39 **inconsistent with any portion or element of the State Comprehensive Plan found in**
40 **Chapter 187, *Florida Statutes*?**

41
42 Yes.

1 **32. What is that opinion?**

2
3 In my professional opinion, the proposed District is not inconsistent with the applicable
4 provisions of Chapter 187, *Florida Statutes*.
5

6 **33. What is the basis for your opinion?**

7
8 I have reviewed, from a planning perspective, applicable portions of the State
9 Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides
10 long-range policy guidance for the orderly social, economic, and physical growth of the
11 state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous
12 goals and policies. Three subjects are particularly relevant, from a planning perspective,
13 to the establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 -
14 Plan Implementation. Several of the policies and goals are particularly supportive of the
15 establishment of the proposed District.
16

17 **34. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**
18 **of the proposed District?**

19
20 This goal recognizes the importance of enhancing the quality of life in the State of
21 Florida and attempts to do so by ensuring that development is located in areas that have
22 fiscal abilities and service capacity to accommodate growth. CDDs are designed to
23 provide services and facilities in a fiscally responsible manner to areas which can
24 accommodate development. The proposed District is consistent with this goal because it
25 will continue to have the fiscal capability to provide a range of services and facilities to a
26 population in a designated growth area.
27

28 **35. Are any of the policies under subject No. 15 relevant?**

29
30 Yes. Policy 1 promotes efficient development activities in areas which will have the
31 capacity to service new populations and commerce. The proposed District will be a
32 vehicle to provide high quality services in an efficient and focused manner over the long
33 term.
34

35 **36. What is Subject 17 and why is it relevant?**

36
37 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,
38 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
39 facilities should be allocated to existing and future residents on the basis of the benefits
40 received. Policy 6 also encourages the identification and implementation of innovative
41 but fiscally sound and cost-effective techniques for financing public facilities.
42 Establishment of the proposed District will further this goal and related policies.
43

1 **37. Why is subject No. 25, the other subject you mentioned, relevant to the**
2 **establishment of the proposed district?**

3
4 Subject No. 25 addresses Plan Implementation. This goal requires that systematic
5 planning capabilities be integrated into all levels of government throughout the state, with
6 particular emphasis on improving inter-governmental coordination and maximizing
7 citizen involvement. The proposed District will operate through a separate and distinct
8 Board of Supervisors who will systematically plan the construction, operation and
9 maintenance of public improvements and community facilities authorized under Chapter
10 190, *Florida Statutes*, subject to and not inconsistent with the local government
11 comprehensive plan and land development regulations. Further, meetings held by the
12 Board of Supervisors are publicly advertised and open to the public.

13
14 **38. Are there any relevant policies in this portion of the State Comprehensive Plan?**

15
16 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
17 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the
18 establishment of a CDD, and after two hundred and fifty (250) electors reside in the
19 CDD, the election of the Board of Supervisors begins to transition from a landowner-
20 elected Board to a resident-elected Board. Regardless of whether the board is elected by
21 the landowners or the residents, the District must convene its meetings in accordance
22 with government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*.
23 This encourages citizen participation in the planning and operational activities of the
24 District.

25
26 **39. Based upon your training and experience as a land development engineer, do you**
27 **have an opinion as to whether establishment of the proposed District is inconsistent**
28 **with any portion or element of the Comprehensive Plans of the City?**

29
30 Yes, I do.

31
32 **40. What is that opinion?**

33
34 In my professional opinion, the establishment of the proposed District is not inconsistent
35 with any applicable provisions of the City's Comprehensive Plan.

36
37 **41. What is the basis for that opinion?**

38
39 Since Chapter 190, *Florida Statutes*, prohibits any community development district from
40 acting in a way inconsistent with the local government's comprehensive plan, the
41 exercising of any power must be done with the comprehensive plan in mind. Any
42 construction activities of the District will require City permitting review under
43 established procedures. Therefore, the use of those powers granted to the District does

1 not make it inconsistent with the City of Eagle Lake's Comprehensive Plan. In addition,
2 the following elements of the City of Eagle Lake's Comprehensive Plan generally relate
3 to and are consistent with establishment of the proposed District.
4

5 Development Policies

- 6 • Future Land Use Element
- 7 • Conservation Future Land Use
- 8

9 Public Facilities Policies – The District will have both the funding source
10 and the authority to provide needed infrastructure and services to this
11 compact, urban growth including:

- 12 • Infrastructure Element - Sanitary Sewers, Storm-water
13 Management, Potable water
- 14 • Recreation and Open Space Element
- 15

16 Implementation Policies

- 17 • Intergovernmental Coordination Element
- 18 • Capital Improvements Element
- 19

20 It is my opinion, therefore, that with respect to the establishment of the proposed District,
21 the proposed District will not be inconsistent with any applicable element or portion of
22 the Capital Improvements Element.
23

24 **42. Does this conclude your testimony?**

25
26 Yes, it does.
27

BEFORE THE CITY COMMISSION OF THE
CITY OF EAGLE LAKE, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 EAGLE HAMMOCK COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

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

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Jillian Burns and I am a District Manager at Governmental Management Services-Central Florida, LLC.
3. The prepared written, pre-filed testimony consisting of thirteen (13) pages, submitted under my name to the City Commission of the City of Eagle Lake, Florida relating to the Petition to Establish the Eagle Hammock 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 Eagle Hammock Community Development District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience, and qualifications concerning my work as a special district manager and financial advisor are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various managerial and operational aspects related to the Petition to Establish the Eagle Hammock 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 18th day of February, 2022.

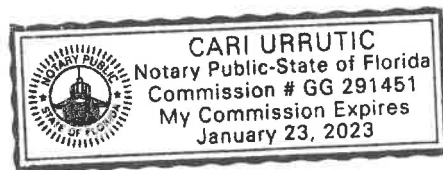

Jillian Burns

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18th of February, 2022, by Jillian Burns, who is personally known to me or who has produced _____ as identification.


(Official Notary Signature & Seal)

Name: Jillian Burns
Personally Known x
OR Produced Identification _____
Type of Identification _____



**TESTIMONY OF JILLIAN BURNS FOR THE
EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT
ESTABLISHMENT**

1. Please state your name and business address.

My name is Jillian Burns. My business address is 219 East Livingston Street, Orlando, Florida 32801.

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

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

3. Please briefly summarize your duties and responsibilities.

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

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

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

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

I have fifteen (15) years of experience in providing management to special districts in the State of Florida. I previously worked for Fishkind & Associates, Inc. as a District Manager for over 12 years prior to my employment at GMS. I have extensive knowledge of special districts, governmental budgeting and finance issues, and the development process.

6. Will your firm, Governmental Management Services-Central Florida, LLC, represent the Eagle Hammock Community Development District ("District")?

Yes. GMS will serve as District Manager and assessment administrator.

7. Please describe your educational background.

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

1 **8. Please describe your work with community development districts in Florida.**

2
3 Through GMS, the clients I serve are both resident-elected and landowner-elected CDDs,
4 depending on the stage in the life of the development. I assist the various Boards of
5 Supervisors and residents by managing the accounting, official recordkeeping, and
6 operations and management of the assets acquired or constructed by the CDD. I have
7 provided management and assessment administration services to over forty (40) active CDDs
8 across Florida.
9

10 **9. Are any of these community development districts that you have worked with about the**
11 **same size as the proposed Eagle Hammock Community Development District in the**
12 **City of Eagle Lake, Florida (“City”)?**
13

14 Yes.
15

16 **10. What has been your role with respect to the proposed Eagle Hammock Community**
17 **Development District establishment proceeding?**
18

19 I serve as an assessment, economic, and management consultant relating to the establishment
20 of the proposed District. Specifically, I assisted in preparation of Petition Exhibit 8, the
21 Statement of Estimated Regulatory Costs (“SERC”).
22
23

24 **DISTRICT MANAGEMENT**
25

26 **11. At this point, I will ask you to address certain matters that are related to community**
27 **development district management. Please describe the general manner in which a**
28 **community development district actually operates.**
29

30 Community development districts are governed by a five-member board of supervisors.
31 These board members are initially appointed by the establishment entity in its ordinance.
32 Within 90 days of the establishment of the district, a new board is elected by the landowners
33 in the district. The Board is the governing body of the district. The Board employs a district
34 manager, who supervises the district’s services, facilities, and administrative functions. The
35 Board annually considers and, after public notice and hearing, adopts a budget. The district
36 submits a copy of the proposed budget to the applicable local general-purpose government
37 for review and for optional comment prior to its adoption each year.
38

39 **12. Are there requirements, such as the open meetings and public records laws, imposed**
40 **upon community development districts in order to safeguard the public that are similar**
41 **to those imposed upon other general purpose local governments?**
42

43 Yes, there are.
44

45 **13. Please describe these requirements and safeguards.**

1
2 First, it is important to note that the establishment of a CDD does not change any
3 requirements for local general purpose governmental approval of construction within the
4 district. Any land development requirements and all state and local development regulations
5 still apply.
6

7 Second, members of the CDD Board of Supervisors must be residents of Florida and citizens
8 of the United States. After the Board shifts to being elected by the resident electors of the
9 district the supervisors must also be residents and electors of the district. Board members
10 must annually file the same financial disclosure forms required by other local officials. All
11 meetings of the CDD Board of Supervisors are open to the public and are subject to the
12 government in the sunshine requirements of Chapter 286, *Florida Statutes*. Furthermore, the
13 District's records must be open for public inspection in accordance with the Florida law
14 governing public records.
15

16 Next, the district must provide financial reports to the state in the same form and manner as
17 is required of all other political subdivisions. The CDD is annually audited by an
18 independent certified public accountant. As I said before, the CDD budget is adopted
19 annually by the board after a public hearing. All rates, fees, and charges imposed by the
20 district must be adopted pursuant to Chapter 120, *Florida Statutes*.
21

22 Finally, to impose special or non-ad valorem assessments under Chapter 170, 190 and 197, a
23 CDD must provide published and mailed notice to those who are assessed providing them
24 opportunity to appear before the Board of Supervisors and have an opportunity to comment
25 on the advisability of the assessments. That assessment process entails preparation of an
26 assessment methodology that fairly and equitably allocates the cost of the district's projects.
27

28 **14. Please describe in general terms how a CDD operates financially, both on a day-to-day**
29 **and a long-term basis.**
30

31 In the early stages, particularly when a CDD is first formed, the CDD's operating funds may
32 be funded by a "Funding Agreement" between the CDD and the landowner/developer in lieu
33 of assessments that the CDD might have imposed on property within the CDD.
34

35 In order to provide long term financing of capital projects, CDDs often issue bonds. All
36 bonds issued by CDDs must be secured by a trust agreement, and any bond maturing over a
37 period of more than five years must be validated and confirmed by court decree pursuant to
38 Chapter 75, *Florida Statutes*. The district also may borrow funds on a long or short-term
39 basis.
40

41 Debt may be retired by the District through non ad valorem or special assessments imposed
42 on benefited properties, or rates, fees, and charges imposed on users of district facilities and
43 services. By law, debt of the District cannot become debt of any other government (city,
44 county or state), without that government's consent.
45

1 **15. What alternatives, other than community development districts, are you familiar with**
2 **that might be available to provide community infrastructure for the lands within the**
3 **proposed District?**
4

5 In my opinion there are two alternatives that might provide community infrastructure such as
6 the roads, utilities, drainage, recreation and other improvements contemplated for the
7 proposed district. First, the general-purpose local government could finance the
8 improvements utilizing special assessments and/or general funds. Alternatively, the
9 developer could provide infrastructure through private means, including private financing if
10 available. As discussed later in my testimony, neither of these alternatives is preferable to
11 use of the CDD concept.
12

13 **16. What has been your role with respect to the Petition to Establish the Eagle Hammock**
14 **Community Development District (“Petition”)?**
15

16 I have worked closely with Eagle Hammock of Eagle Lake, LLC (“Petitioner”) and its
17 consultants in determining if a CDD is appropriate for this project. I also supervised the
18 preparation of Exhibit 8 of the Petition, the SERC.
19

20 **17. Do you have an opinion, as someone experienced in district management and**
21 **operations, as to whether the proposed District is the best available alternative for**
22 **delivering community services and facilities to the areas that will be served by the**
23 **District?**
24

25 Yes. For this project, the proposed District is the best alternative available for delivering the
26 proposed services and facilities to the area that will be served. These improvements include,
27 but are not limited to, roadway improvements, street lighting, community recreation and
28 amenity areas, entry features and signage, stormwater management, water and sewer
29 systems.
30

31 **18. What is the basis for your opinion?**
32

33 Looking at the alternatives, the City could finance and manage the improvements utilizing
34 special assessments or general funds. The developer and/or a property owner’s association
35 (“POA”) could provide these facilities as well through private financing.
36

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

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

10
11 The other alternative is the use of private means either through a POA or through the
12 developer, or both in combination. This combination can clearly satisfy the high demand for
13 focused service and facilities and managed delivery. However, only a public entity can
14 assure a long term perspective, act as a stable provider of services and facilities, qualify as a
15 lower cost source of financing, and pay for services at sustained levels. POAs lack the
16 ability to effectively finance the improvements. Their ability to assure adequate funds for
17 sustained high levels of maintenance is less than with a CDD.

18
19 Furthermore, neither the developer nor a POA would be required to conduct all actions
20 relating to the provision of these improvements in the “sunshine” as a CDD must, or abide
21 by other public access requirements that are incumbent upon a CDD and its Board of
22 Supervisors. Also, provision and long term operation and maintenance of these
23 improvements, particularly the recreation roadway and drainage activities, by a CDD ensures
24 that residents have guaranteed access to the body or entity making decisions about these
25 facilities, and in fact will one day sit as the five member board making the decisions that
26 impact their community directly.

27
28 A CDD is an independent special purpose unit of local government designed to focus its
29 attention on providing the best long-term service to its specifically benefited properties and
30 residents. It has limited power and a limited area of jurisdiction. The CDD will be governed
31 by its own board and managed by those whose sole purpose is to provide the district long
32 term planning, management, and financing of these services and facilities. This long-term
33 management capability extends to the operation and maintenance of the facilities owned by
34 the CDD. Further, the sources for funding and manner of collection of funds will assure that
35 the CDD facilities will be managed at the sustained levels of quality desired by residents
36 well into the future.

37
38 **19. Do you have an opinion, as someone experienced in district management and**
39 **operations, as to whether the area of land to be included within the proposed District is**
40 **of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable**
41 **as one functional interrelated community?**

42
43 Yes.

44
45 **20. What is your opinion?**

1
2 The proposed CDD has sufficient land area, and is sufficiently compact and contiguous to be
3 developed, with the roadway, drainage, water and sewer, and other infrastructure systems,
4 facilities and services contemplated. The District will operate as one functionally
5 interrelated community.
6

7 **21. What is the basis for your opinion?**
8

9 The size of the proposed District is approximately 108.77 acres, more or less. Based on my
10 previous experience, the proposed District is of sufficient size, compactness, and contiguity
11 to be developed as a functional interrelated community.
12

13 The qualities of compactness, contiguity, and size relate directly to whether an area can
14 become one functional interrelated community. From the standpoint of the provision,
15 management and operation of the community infrastructure expected to be provided by the
16 District, the acres contemplated for inclusion within the District is sufficiently compact,
17 contiguous and of sufficient size to maximize the successful delivery of these infrastructure
18 improvements to these lands. The delivery of services and facilities to the lands within the
19 District will not be hampered by insurmountable barriers or spatial problems. The area
20 within the District is suitably configured to maximize the benefits available from the District
21 services and facilities to be provided.
22

23 **22. Do you have an opinion, as someone experienced in district management and**
24 **operations, as to whether the area that will be served by the proposed District is**
25 **amenable to separate special district government?**
26

27 Yes.
28

29 **23. What is your opinion?**
30

31 The District is of sufficient size, compactness, and contiguity. Therefore, the area to be
32 served by the proposed District is clearly amenable to separate special district governance.
33 The configuration of the District is not unlike other CDDs with which I have worked over
34 time.
35

36 **24. What is the basis for your opinion?**
37

38 Two criteria are needed to evaluate a land area as amenable to separate special district
39 government. One, does the land area have need for the facility and services and will its
40 owners and residents benefit from facilities that the special district could provide? Two, is
41 the land area of sufficient size, sufficient compactness, and sufficiently contiguous to be the
42 basis for a functional interrelated community?
43

44 Under both criteria, the CDD is a planned community of sufficient size with a need for the
45 facilities and improvements that are presently expected to be provided by the CDD. As

described in the Petition, the District will construct and maintain certain identified needed facilities and services. In particular, this District will have significant responsibilities for a relatively large amount of drainage and stormwater management to serve the community. Water and sewer improvements constructed by the CDD will be transferred to the City and roadway improvements will be owned and maintained by the CDD. Based on my experience, districts of this size are large enough to effectively provide and manage these services. From a management and operations perspective, the land area is well suited to the provision of the proposed services and facilities.

- 25. 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.

- 26. 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.

- 27. What is the basis for your opinion?**

Petitioner presently expects the proposed District to finance and construct certain roadway improvements, street lighting, community recreation and amenity areas, entry features and signage, stormwater management, water and sewer systems. None of the facilities expected to be provided by the District presently exist. Ultimately, a district may own and maintain certain of those improvements, such as the recreation improvements and roadways, 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

- 28. You stated earlier that you are familiar with the Petition, and its Exhibits, filed by the Petitioner, to establish the proposed Eagle Hammock 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*.

- 29. Have any revisions been made to Exhibit 8 of the Petition, the SERC?**

No.

1
2 **30. What exactly is a "SERC"?**
3

4 The Statement of Estimated Regulatory Costs is actually a requirement under Section
5 120.541(2), *Florida Statutes*, which has been incorporated into the law on establishment of
6 community development districts.
7

8 **31. In general terms, please summarize the economic analyses presented in the SERC.**
9

10 An understanding of the SERC requires the recognition of the scope of review and
11 evaluation for the establishment of a community development district as set out in Chapter
12 190. Section 190.002(2)(d), *Florida Statutes*, states “[t]hat the process of establishing such a
13 district pursuant to uniform general law [must] be fair and based only on factors material to
14 managing and financing the service-delivery function of the district, so that any matter
15 concerning permitting or planning of the development is not material or relevant.” Thus, the
16 scope of the economic analysis included in the SERC addresses only the establishment of the
17 proposed District, and not the planning or development of the property itself.
18

19 The economic analysis sets out the assumptions about the development within the proposed
20 district and the anticipated infrastructure to be provided by it. The analysis addresses each of
21 the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates the
22 impact of the proposed district on each such group.
23

24 The proposed Eagle Hammock Community Development District is a specialized unit of
25 local government. It is a special purpose unit of local government with a single objective:
26 the provision of infrastructure and services for a planned new community. Its economic
27 benefits exceed its economic cost to the Petitioner, the City, and to all subsequent purchasers
28 and landowners of the community - in short, to all affected parties.
29

30 Once the proposed District is established, there are no direct costs to the City. While the
31 proposed District will provide certain reports and budgets to the City for its discretionary
32 review, there are no requirements that either incur any obligations or expense associated with
33 its review. In addition, to the extent the proposed District utilizes the services of the Property
34 Appraiser or Tax Collector under the provisions of Chapter 197, *Florida Statutes*, to collect
35 its assessments, the proposed District must pay the costs associated with those services.
36

37 It is important to note that under Chapter 190, the debt of the proposed District cannot
38 become the debt of the City or the State of Florida. Since the proposed District will be an
39 independent unit of government and issue its own bonds, the proposed District will not have
40 any effect on the bonding capacity of the City or the State of Florida.
41

42 **32. Please describe briefly the data and methodology used in preparing the SERC and**
43 **related analyses.**
44

45 The data for the analysis came from the landowner, other experts working on the Petition,

1 and from the Petition itself. The methodology is standard economic impact assessment.

2
3 **33. From an economic and financial perspective, do you have an opinion regarding the**
4 **financial viability and feasibility of the proposed District?**

5
6 Yes, I do.

7
8 **34. What is that opinion?**
9

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

12
13 **35. Are you familiar with the State Comprehensive Plan found in Chapter 187, *Florida***
14 ***Statutes*?**

15
16 Yes.

17
18 **36. From an economic and financial perspective, do you have an opinion as to whether the**
19 **proposed District is inconsistent with the State Comprehensive Plan from an economic**
20 **perspective?**

21
22 Yes.

23
24 **37. What is that opinion?**
25

26 It is my opinion the proposed Eagle Hammock Community Development District is not
27 inconsistent with any applicable element or portion of the state comprehensive plan.

28
29 **38. What is the basis for your opinion?**
30

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

37
38 Subject 15, titled Land Use, recognizes the importance of locating development in areas that
39 have the fiscal abilities and service capacity to accommodate growth. It is relevant because
40 CDDs are designed to provide infrastructure services and facilities in a fiscally responsible
41 manner to the areas that can accommodate development. The establishment of the District
42 will not be inconsistent with this goal because the District will have the fiscal capability to
43 provide the specified services and facilities within its boundaries.

44
45 Subject 17, titled Public Facilities, relates to (i) protecting investments in existing public

1 facilities; (ii) providing financing for new facilities, (iii) allocating the costs of new public
2 facilities on the basis of the benefits received by future residents; (iv) implementing
3 innovative but fiscally sound techniques for financing public facilities; and (v) identifying
4 and using stable revenue sources for financing public facilities. The establishment of the
5 District will further these State Comprehensive Plan Goals and Policies.
6

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

- 11 (i) cooperate with other levels of Florida government;
- 12 (ii) be established under uniform general law standards as specified in Chapter
13 190, *Florida Statutes*;
- 14 (iii) be professionally managed, financed, and governed by those whose property
15 directly receives the benefits;
- 16 (iv) not burden the general taxpayer with costs for services or facilities inside the
17 Eagle Hammock Community Development District; and
- 18 (v) plan and implement cost efficient solutions for the required public
19 infrastructure and assure delivery of selected services to residents.
20
21
22

23 Subject 25, titled Plan Implementation, calls for systematic planning capabilities to be
24 integrated into all levels of government throughout the state, with particular emphasis on
25 improving intergovernmental coordination and maximizing citizen involvement. The
26 proposed District is consistent with this element of the State Comprehensive Plan.
27

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

32 Yes.

33 **40. What is your opinion?**

34 Based on my previous experience, the proposed District is of sufficient size, compactness,
35 and contiguity to be developed as a functional interrelated community.
36

37 **41. What is the basis for your opinion?**

38 The project is compact with land use typical of a planned community. The development of
39
40
41
42
43
44
45

the land has been planned to be a functional interrelated community making the most efficient use of public funds available

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

Yes.

43. 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

1 services to the area to be served by the CDD, and charged appropriately for these services,
2 the City would be enmeshed in the responsibilities and in the management of those facilities.
3 Furthermore, without a CDD the City cannot be assured that only residents of the area to be
4 served by the CDD would bear the full costs of the needed facilities and services.
5

6 **44. From an economic and financial perspective, do you have an opinion as to whether the**
7 **services and facilities to be provided by the proposed Eagle Hammock Community**
8 **Development District will be incompatible with the uses and existing local and regional**
9 **facilities and services?**

10
11 Yes.

12
13 **45. What is your opinion?**

14
15 The proposed Eagle Hammock Community Development District covers approximately
16 108.77 acres of land, more or less. The configuration of the land is sufficiently compact and
17 contiguous. As such, it will not create any economic disincentives to the provision of the
18 infrastructure facilities contemplated in this case.
19

20 Given the scope and expected cost of facilities to be provided, 108.77 acres of land, more or
21 less for a residential development provides a sufficient economic base to absorb the debt
22 costs and annual operating costs for district administration and to efficiently apportion the
23 cost of improvements.
24

25 **46. From an economic and financial perspective, do you have an opinion as to whether the**
26 **area that will be served by the proposed Eagle Hammock Community Development**
27 **District is amenable to separate special district government?**

28
29 Yes.

30
31 **47. What is your opinion and its basis?**

32
33 It is my opinion that the area within the boundaries of the proposed District is amendable to a
34 separate special district government. The lands within the proposed District's boundaries
35 have the need for basic infrastructure.
36

37 The land is of sufficient size, compactness, and contiguity and meets those tests. Therefore,
38 from an economic and financial perspective, the area to be served by the proposed District is
39 clearly amendable to separate special district governance.
40

41 **48. Does this conclude your testimony?**

42
43 Yes, it does.
44

NOTICE OF LOCAL PUBLIC HEARING
City Commission of the City of Eagle Lake, Florida
to Consider the Establishment of
Eagle Hammock Community Development District

DATE: March 7, 2022

TIME: 7:00 p.m.

LOCATION: Commission Chambers
675 E. Eagle Avenue
Eagle Lake, Florida 33839

In accordance with the provisions of Chapter 190, *Florida Statutes*, a public hearing will be held by the City Commission of the City of Eagle Lake beginning at 7:00 p.m., on March 7, 2022, at Commission Chambers located at 675 E. Eagle Avenue, Eagle Lake, Florida 33839, to consider an ordinance granting a petition to establish Eagle Hammock Community Development District (the "District"). The title of the proposed ordinance is as follows:

**AN ORDINANCE OF THE CITY OF EAGLE LAKE, FLORIDA
ESTABLISHING THE EAGLE HAMMOCK COMMUNITY DEVELOPMENT
DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021);
PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING
THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE
DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE
DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL
MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The proposed District will result in the District comprising of approximately 108.77 acres, more or less, generally located northeast of Eagle Lake Loop Road, south of subdivision Eagle Pines View, and east of Starling Road as further identified in the map depicted in this notice. 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 Chapter 190, Florida Statutes.

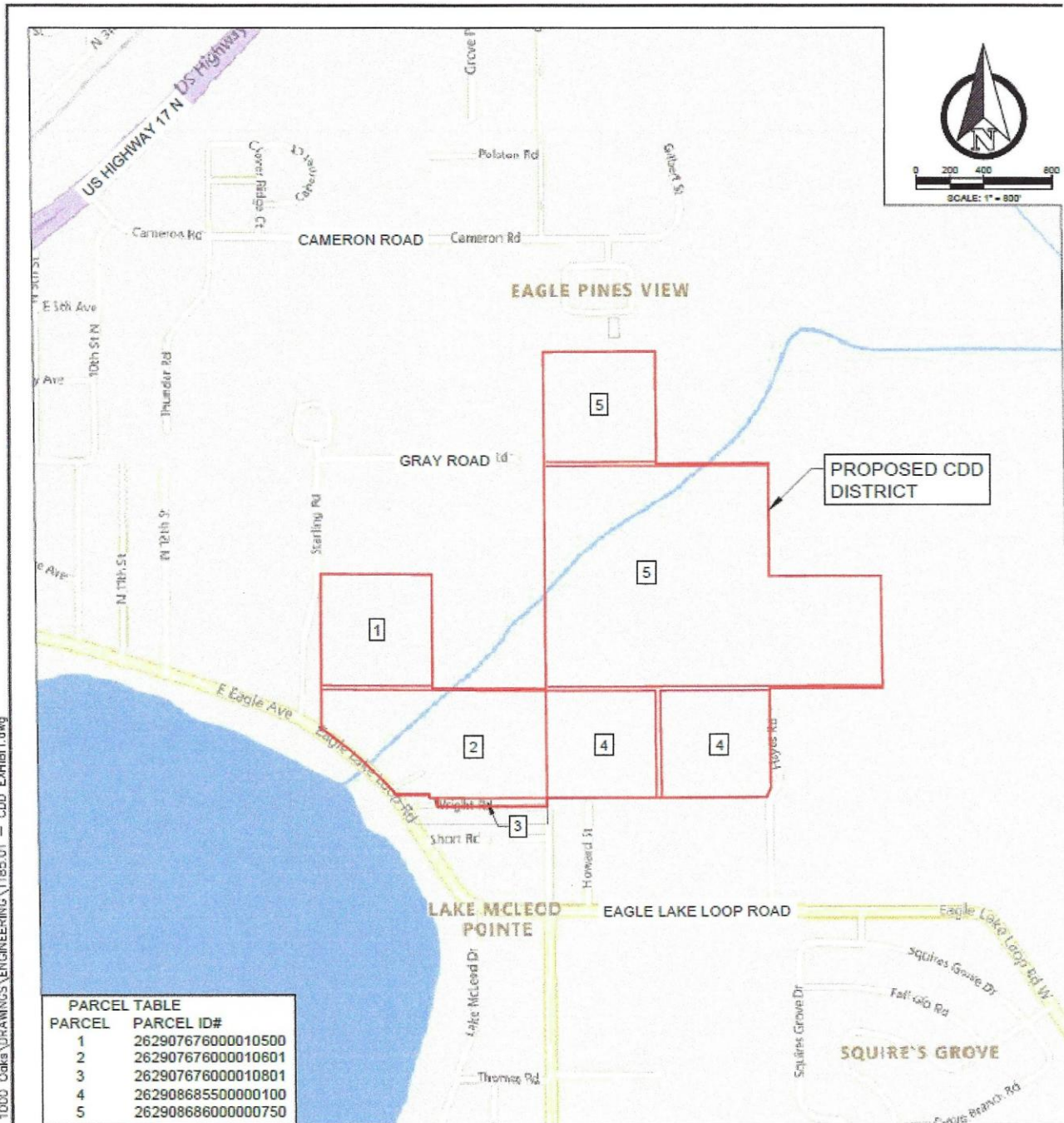
Copies of the petition, department reports, and proposed ordinance are open to public inspection at the office of the City Clerk, City of Eagle Lake at 75 North Seventh Street, P.O. Box 129, Eagle Lake, Florida 33839.

All interested persons and affected units of general-purpose government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any persons or affected unit of general-purpose local government, who wish to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose the person or unit of general-purpose local government 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.

In accordance with the Americans with Disabilities Act and Florida Statutes, section 286.26, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the office of the City Clerk, City of Eagle Lake at 75 North Seventh Street, P.O. Box 129, Eagle Lake, Florida 33839, or by phone at (863) 293-4141, within two (2) working days of your receipt of this meeting notification; if you are hearing or voice impaired, call 1-800-955-8771.

Run Dates: February 7th, February 14th, February 21st and February 28th

GENERAL LOCATION MAP OF THE PROPOSED EAGLE HAMMOCK COMMUNITY DEVELOPMENT DISTRICT



LOCALiQ

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

PO Box 631244 Cincinnati, OH 45263-1244

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2016 Delta BLVD # 101
Tallahassee FL 32303-4874

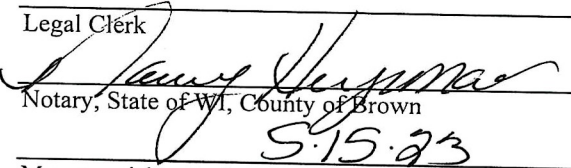
STATE OF FLORIDA, COUNTY OF POLK

The Ledger-News Chief, a newspaper printed and published in the city of Lakeland, and of general circulation in the County of Polk, State of Florida, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated or by publication on the newspaper's website, if authorized, on:

02/07/2022, 02/14/2022, 02/21/2022, 02/28/2022

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Sworn to and subscribed before on 02/28/2022

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**GENERAL LOCATION MAP OF THE PROPOSED
EAGLE HAMMOCK COMMUNITY DEVELOPMENT
DISTRICT**

