

1 Introduced and amended by the Transportation, Energy and Utilities
2 Committee:

3
4 **ORDINANCE 2018-563-E**

5 AN ORDINANCE ESTABLISHING THE DISTRICT
6 COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT
7 CDD"), INCLUDING THE GRANT OF SPECIAL POWERS;
8 DESCRIBING THE EXTERNAL BOUNDARIES OF THE
9 DISTRICT CDD; NAMING THE DISTRICT CDD; NAMING
10 THE INITIAL DISTRICT CDD BOARD OF SUPERVISORS;
11 AMENDING CHAPTER 92 (UNIFORM DEVELOPMENT
12 DISTRICTS), *ORDINANCE CODE*, SECTION 92.22
13 (EXISTING COMMUNITY DEVELOPMENT DISTRICTS), TO
14 INCLUDE THE DISTRICT CDD; PROVIDING FOR
15 CONFLICT AND SEVERABILITY; PROVIDING AN
16 EFFECTIVE DATE.

17
18 **WHEREAS**, Elements Development of Jacksonville, LLC, a Florida
19 corporation, petitioned the City Council to establish a community
20 development district named the District Community Development
21 District (the "District CDD") on approximately 32.21 acres lying
22 wholly within the boundaries of the City pursuant to F.S. Chapter
23 190.005(2) and Chapter 92, *Ordinance Code*, a copy of the Amended
24 Petition to Establish the District CDD ("Petition") is on file with
25 the Legislative Services Division; and

26 **WHEREAS**, if established as proposed in the Petition, the
27 District CDD would thereafter exist and operate as an independent
28 special district as set forth in F.S. Ch. 190; and

29 **WHEREAS**, as required by Section 92.07(a), *Ordinance Code*, the
30 Office of General Counsel prepared an Initial Report of Counsel,
31 attached hereto as **Exhibit 1**. In the opinion of Counsel as

1 contained in the Initial Report, the Petition as submitted was not
2 sufficient and complete to permit the fair and informed
3 consideration of the matter by the Council, thus the Initial Report
4 requested clarification and additional information regarding the
5 Petition; and

6 **WHEREAS**, the Petitioner provided the requested clarification
7 and additional information, which is now contained in the Amended
8 Petition, that is **on file** with the Legislative Services Division as
9 part of this ordinance; and

10 **WHEREAS**, as required by Section 92.07(b), *Ordinance Code*, the
11 Office of General Counsel prepared the Final Report of Counsel,
12 attached hereto as **Exhibit 2**, which memorializes that in the
13 opinion of Counsel the Petition as amended, the "Amended Petition",
14 was sufficient and complete to permit the fair and informed
15 consideration of the matter by the City Council, and that all the
16 statements contained in the Amended Petition not intended to be
17 disposed of by the Planning and Development Department's report and
18 recommendation, were true and correct; and

19 **WHEREAS**, the Planning and Development Department's report and
20 recommendation has now been provided to the Council as required by
21 Section 92.07(c), *Ordinance Code*, and is attached hereto as **Exhibit**
22 **3**; and

23 **WHEREAS**, Petitioner acknowledges that nothing about the
24 adoption of this ordinance shall in any way waive any of the
25 City's, or any other governing or regulatory entities' rights to
26 grant or not grant entitlements for the development to be serviced
27 by the District (the "Development"), or otherwise prejudice the
28 City's, or any other governing or regulatory entities', ability to
29 govern or regulate the planning or permitting of the Development;
30 and

1 **WHEREAS**, the Council has determined the Petition adequately
2 meets the requirements of F.S. Ch. 190.005 and Section 92.04,
3 *Ordinance Code*, and is therefore complete and sufficient to permit
4 fair and informed review thereof; and

5 **WHEREAS**, all notice requirements of F.S. Ch. 190, Section
6 92.11, *Ordinance Code*, and other applicable laws were complied
7 with, and complete notice was timely given, and a public hearing
8 held on the date and time noticed and conducted thereafter in
9 compliance with F.S. Ch. 190 and all applicable laws; and

10 **WHEREAS**, in making its fair and informed determination whether
11 to grant or deny the Petition, the Council has considered the
12 Petition in light of the record developed at the public hearing and
13 in relation to the six factors set forth at F.S. § 190.005(1)(e);
14 now, therefore

15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

16 **Section 1. Name.** A community development district is
17 hereby established within the City to be known hereafter as the
18 District Community Development District.

19 **Section 2. Boundaries.** The boundaries of the District
20 Community Development District established by this ordinance are as
21 set forth in the legal description contained in the Amended
22 Petition to Establish the District Community Development District
23 ("Petition") which is on file with the Legislative Services
24 Division.

25 **Section 3. Board of Supervisors.** The following five
26 persons, as set forth in the Petition, are designated to be the
27 initial members of the governing Board of Supervisors ("Board") of
28 the District Community Development District:

- 29 a. Jill Langford Dame
30 b. Bob Rhodes
31 c. Kish Kanji

1 d. Dr. Vikram Gopal

2 e. Matt Brockelman

3 **Section 4. Grant of Special Powers.** The following special
4 powers, pursuant to Sec. 190.012(2), Florida Statutes, are hereby
5 granted to the District CDD to plan, establish, acquire, construct
6 or reconstruct, enlarge or extend, equip, operate and maintain
7 additional systems and facilities for:

8 (1) Parks and facilities for indoor and outdoor recreational,
9 cultural, and educational uses in accordance with Section
10 190.012(2)(a), Florida Statutes;

11 (2) Fire prevention and control, including fire stations,
12 water mains and plugs, fire trucks, and other vehicles
13 and equipment in accordance with Section 190.012(2)(b),
14 Florida Statutes;

15 (3) School buildings and related structures and site
16 improvements in accordance with Section 190.012(2)(c),
17 Florida Statutes; and

18 (4) Security, including, but not limited to, guardhouses,
19 fences and gates, electronic intrusion-detection systems,
20 and patrol cars, when authorized by proper governmental
21 agencies in accordance with Section 190.012(2)(d),
22 Florida Statutes. The District CDD may contract for
23 security services in the future, but this is not intended
24 to be a gated community.

25 **Section 5. Amending Chapter 92 (Uniform Community**
26 **Development Districts), Ordinance Code.** Section 92.22, Ordinance
27 Code, is hereby amended to read as follows:

28 **Sec. 92.22. - Existing Community Development Districts.**

29 The following CDDs have been established in the City:

30 (1) *Bainebridge Community Development District.* The
31 Bainebridge Community Development District was established

1 in Ordinance 2005-1417-E. The City granted consent to the
2 Bainebridge Community Development District to exercise
3 special powers related to parks and facilities for indoor
4 and outdoor recreational, cultural and educational uses in
5 Ordinance 2006-592-E.

6 * * *

7 (17) The District Community Development District. The
8 District Community Development District was established
9 in Ordinance 2018-563-E, and was granted consent to
10 exercise the following special powers to plan, establish,
11 acquire, construct or reconstruct, enlarge or extend,
12 equip, operate and maintain additional systems and
13 facilities for:

14 (1) Parks and facilities for indoor and outdoor
15 recreational, cultural, and educational uses;

16 (2) Fire prevention and control, including fire
17 stations, water mains and plugs, fire trucks, and other
18 vehicles and equipment;

19 (3) School buildings and related structures and
20 site improvements; and

21 (4) Security, including, but not limited to,
22 guardhouses, fences and gates, electronic intrusion-
23 detection systems, and patrol cars, when authorized by
24 proper governmental agencies in accordance with Section
25 190.012(2)(d), Florida Statutes. The District CDD may
26 contract for security services in the future, but this is
27 not intended to be a gated community.

28 **Section 6. Conflict and Severability.** Any portion of this
29 ordinance determined finally by a court of competent jurisdiction
30 to be in conflict with prevailing law shall not be effective to the
31 extent of such conflict, and shall be deemed severable and the

1 remainder shall continue in full force and effect to the extent
2 legally possible.

3 **Section 7. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming law without
5 the Mayor's signature.

6

7 Form Approved:

8

9



10 Office of General Counsel

11 Legislation Prepared By: Susan C. Grandin

12 GC-#1240353-v2-2018-563-E

OFFICE OF GENERAL COUNSEL
CITY OF JACKSONVILLE

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*BOARD CERTIFIED CITY, COUNTY
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August 1, 2018

Mark Scruby
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

RE: Office of General Counsel Initial Report
On the Petition to Establish The District Community Development District

Dear Mr. Scruby:

The Office of General Counsel ("Counsel"), pursuant to Section 92.07, *Ordinance Code*, has completed its review of the Petition to Establish The District Community Development District (the "Petition"), submitted July 20, 2018. Counsel has determined that more information or clarification is needed in order for the Petition to be determined to be sufficient and complete to permit the fair and informed consideration of the matter by the City Council. Please consider the following changes and questions:

1. Pursuant to Section 92.04(g), *Ordinance Code*, a Utility Map is required and you have provided that. The JEA utility availability letter in your Exhibit E states that there is no reclaimed water available via a connection point. For purposes of clarification of the utilities provided to the CDD area, does that mean that no water will be reclaimed?
2. Pursuant to Section 92.04(h), *Ordinance Code*, construction cost estimates and timetables are required to be provided. We need more information or clarification regarding the following:
 - a. Who is going to be the "owner" of the Public Roadways? Typically the City of Jacksonville becomes the owner of public roadways. If this is yet undetermined,

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(904) 630-1700

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Writer's E-Mail Address
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Office Web Site
General Counsel
Exhibit 1
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please indicate that status. This may require a revision to both Exhibit E and the SERC Report;

- b. You have indicated that the construction of all the Improvements will be by the District CDD. However, while that may be technically true, please indicate for clarity what Improvements will be constructed using funding from any City of Jacksonville source, including the DIA. This may require a revision to both Exhibit E and the SERC Report;

Please supplement as noted above at your earliest convenience, and we will get this turned around quickly. If you have any questions, please do not hesitate to give me a call at (904) 630-1725.

Sincerely,



Susan C. Grandin
Assistant General Counsel

cc: William Killingsworth, Director, Planning and Development Department
Kristen Reed, Planning and Development Department
Jason Teal, Deputy General Counsel

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OFFICE OF GENERAL COUNSEL
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August 22, 2018

 Mark Scruby
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

RE: Office of General Counsel Final Report
On the Amended Petition to Establish The District Community Development District

Dear Mr. Scruby:

The Office of General Counsel ("Counsel"), pursuant to Section 92.07, *Ordinance Code*, has completed its review of the Amended and Restated Petition to Establish The District Community Development District (the "Amended Petition"), submitted August 6, 2018. Thank you for amending the Petition to provide answers to the questions posed in our Initial Report.

Counsel has determined that the Amended Petition is now sufficient and complete to permit the fair and informed consideration of the matter by the City Council. This Final Report will be forwarded to the Planning and Development Department, along with the Amended Petition, for their use in drafting a Department report and recommendation. All the statements contained in the Amended Petition not intended to be disposed of by the Department report and recommendation are true and correct, and the Amended Petition is not contrary to any provision of applicable general or special law or the City Charter.

August 22, 2018
Page 2

We anticipate that the legislation to move this petition forward will be introduced at the City Council meeting on August 29, 2018. The dates for the Council Committee public meetings required by the Ordinance Code and Rules of Council, and the date for the public hearing required by Chapter 190, Florida Statutes will be determined after introduction to Council.

Attached is the draft ordinance for your use. If you have any questions, please do not hesitate to give me a call at (904) 630-1725.

Sincerely,



Susan C. Grandin
Assistant General Counsel

cc: William Killingsworth, Director, Planning and Development Department
Kristen Reed, Planning and Development Department
Jason Teal, Deputy General Counsel

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TEU 2018-563

**PROPOSED COMMUNITY DEVELOPMENT DISTRICT (CDD)
PETITION TO ESTABLISH THE DISTRICT CDD
PLANNING AND DEVELOPMENT DEPARTMENT REPORT**



ORDINANCE 2018-563

PETITIONER: ELEMENTS DEVELOPMENT OF JACKSONVILLE, LLC.

Acreage: 32.21 Acres

The Planning and Development Department (Department) has completed its review of the Petition to Establish the District Community Development District (Petition) and makes the following report in accordance with §92.07(c), City of Jacksonville Ordinance Code.

Report Summary

Roger Towers, P.A., on behalf of Elements Development of Jacksonville, LLC, (Petitioner) proposes that the District, Community Development District (CDD) be established in the City of Jacksonville. The Petitioner states in the Petition that the CDD should be established because it will:

- Increase capital investment in Jacksonville;
- Generate significant new ad valorem taxes, including significant new tax revenues for the public school system;
- Help meet the overall community goal of residential and business development and growth in Downtown Jacksonville;
- Provide jobs to low and moderate income persons; and
- Promote and encourage private Capital Investment of approximately \$280,000,000.

The Department finds that the Petition is sufficient and correct to permit fair and informed consideration by City Council. The Petition is reasonably compatible and consistent with all of the components required for review by Chapter 92.07(c), Ordinance Code, and §190.005(1)(e), Florida Statutes (F.S.). The petitioner claims the proposed CDD is the best alternative for delivering community development services and facilities within its area of service and the Department has no reason to find otherwise.

Overview of CDD and Development Information

The CDD is approximately 32.21 acres in land area and consists entirely of properties in the Central Business District (CBD) land use category. The CDD will contain approximately 950 residential units, 147 hotel rooms, 200,000 square feet of Class A Office Space, 134,600 square feet of retail space, and 125 marina slips. The project location is more fully identified by the District boundary map ("Exhibit B", dated July 2018) included in the Petition. There is no land outside the proposed boundaries of the CDD to

be served by the CDD. The existing land use map is included in the Petition as "Exhibit H."

According to the Petition, the developer maintains that the CDD is the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government. Below are the responsibilities for the proposed services and facilities to be provided as described in the Petition's "Exhibit G".

Exhibit G as found in the Petition

**Proposed Infrastructure Plan
The District Community Development District**

The following table presents the proposed infrastructure plan: **

Improvement	Construction Funded By	Ownership	Operation and Maintenance
Public Roadways	The District CDD	City of Jacksonville	City of Jacksonville
Private Roadways	Developer	POA	POA
Parking (School Board, Marina, Public Parking)	The District CDD	The District CDD	The District CDD
Potable Water	The District CDD	JEA	JEA
Stormwater Management	The District CDD	The District CDD	The District CDD
Sanitary Water	The District CDD	JEA	JEA
Electrical - Duct Bank and Site Lighting	The District CDD	The District CDD	The District CDD
Open Space (Saunter Lane, Pocket Park)	The District CDD	The District CDD	The District CDD
Landscaping/Irrigation/Hardscape	The District CDD	The District CDD	The District CDD

**Based on present expectations. In the event The District CDD is unable or unwilling to continue as the owner and entity responsible for the maintenance of the facilities described above, a property owners' association (POA) will assume such rights and obligations. Additionally, The District CDD may elect to enter into agreement with the POA to maintain certain improvements.

Source: The Petitioner (2018)

Total design and development costs for providing the capital facilities are estimated to be \$24,776,775 as set forth in Exhibit F, Estimated Costs and Proposed Timetable, contained in the Petition. Below are the proposed infrastructure costs for The District CDD.

Exhibit F as found in the Petition

**Estimated Costs and Proposed Timetable
The District Community Development District**

The following table presents the construction cost estimate and timetable:

Description	Total Costs	Year 1	Year 2
Public Roadways (Health Walk, Prudential Drive extension, Broadcast Place extension, Backbay Drive, Marina Way, Cul-de-sac)	\$5,849,290	\$2,898,015	\$2,951,275
Parking (School Board, Marina, Public Parking) ¹	\$1,870,000	\$1,750,000	\$120,000
Potable Water ²	\$1,383,772	\$830,263	\$553,509
Stormwater Management	\$5,356,645	\$4,739,205	\$617,440
Sanitary Sewer	\$1,727,041	\$1,238,521	\$488,521
Electrical - Duct Bank and Site Lighting	\$1,493,276	\$1,194,621	\$298,655
Open Space (Saunter Lane, Pocket Park) ³	\$150,000	\$0	\$150,000
Engineering & Soft Costs (15%)	\$2,674,504	\$1,897,594	\$776,910
Contingency (15%)	\$2,674,504	\$1,897,594	\$776,910
Escalation of Cost (3% per year for 3-year period from date of cost estimate to end of construction)	\$1,597,744	\$798,872	\$798,872
Total	\$24,776,775	\$17,244,684	\$7,532,091

Note. Kimley – Horn (2018). Cost data based on 2017 estimates adapted from Exhibit B – CDD Capital Improvements Engineers Opinion of Probable Costs Summary prepared by The Haskell Company and contained within the Redevelopment Agreement, dated July 2018, among the City of Jacksonville, The Downtown Investment Authority and Elements Development of Jacksonville, LLC for Redevelopment of the JEA Southside Generator Parcel (“RDA”). For further details refer to Exhibit B of the “Interlocal Agreement”, which is Exhibit F of the RDA. None of the estimated costs shown in the table include acquisition costs. Under the RDA, both the City and the Downtown Investment Authority will provide funding assistance to the CDD toward the cost of the CRA Infrastructure Improvements and the CDD Infrastructure Improvements. The details regarding such funding assistance and such Improvements are comprehensively set forth in the RDA as approved under Ordinance No. 2018-313-E, the RDA being incorporated herein by reference. Exhibit C of the RDA, which identifies the CDD Infrastructure Improvements, and Exhibit E of the RDA, which identifies the CRA Infrastructure Improvements, are attached hereto.

¹ Portions of the parking improvements require the exercise of special powers related to School site improvements in accordance with section 190.012(2)(c), Florida Statutes, and Jacksonville Code of Ordinances Sec. 92.04(h).

² Portions of the water improvements require the exercise of special powers related to fire improvements in accordance with section 190.012(2)(b), Florida Statutes, and Jacksonville Code of Ordinances Sec. 92.04(h).

³ Portions of the open space improvements require the exercise of special powers related to Parks and facilities for outdoor recreational uses in accordance with Section 190.012(2)(a), Florida Statutes, and Jacksonville Code of Ordinances Sec. 92.04(h).

Sufficiency and Completeness of Planning Documentation

Pursuant to Chapter 90.07(c)(2), Ordinance Code, the Department concludes that the planning documentation received to date is adequately sufficient and complete to permit a fair and informed consideration by City Council.

Truth and Correctness of Planning Documentation

Pursuant to Chapter 90.07(c)(3), Ordinance Code, the Petitioner has provided an executed and notarized statement, dated August 6, 2018, claiming that the Petition is adequately true and correct to permit a fair and informed consideration by City Council.

JEA Certification of Utility Information

While the Petitioner has supplied a JEA availability of utilities letter dated July 3, 2018, the JEA certification and utility service and cost participation agreement had not been tendered to the Department at the time of making this report and recommendation. However, the utility map (Exhibit E) submitted with the Petition appears to be consistent, true and correct regarding the location of the points of connection as identified on the JEA availability of utilities letter. Therefore, pursuant to Chapter 90.07(c)(4), Ordinance Code, the Department finds no reason to find the utility map submitted with the Petition inaccurate.

Opinion and Recommendation

In determining whether to grant a Local Petition for the establishment of the CDD by adoption of Ordinance 2018-563, the City Council must consider the Local Petition and the entire record of the local public hearing in light of the six (6) factors set forth in §190.005(1)(e), F.S.

Accordingly, pursuant to §92.07(c)(5), Ordinance Code, the Department is charged with providing an opinion and making recommendation on the relationship of the Petition to factors 2, 3, and 5 of §190.005(1)(e), F.S. The analysis is as follows:

Factor 2 (Section 190.005(1)(e)2, F.S.)

Whether the establishment of the CDD is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan?

Relationship: The District CDD is not inconsistent with the applicable elements or portion of the state and local comprehensive plans. See additional information below.

The Department concludes that the establishment of the CDD would not be inconsistent with any applicable element or portion of the State comprehensive plan (Chapter 187, F.S.) or of the City's 2030 Comprehensive Plan. The land area underlying the CDD is designated as a Central Business District (CBD) by the Future Land Use Map contained in the 2030 Comprehensive Plan (see Exhibit H

in Petition). The area within the CDD is zoned Residential High Density-A (RHD-A) and Recreation and Open Space (ROS).

State of Florida Comprehensive Plan

Section 187.201 (17), F.S., Public Facilities

- (a) **Goal** - Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.
- (b) **Policies** -
 - 1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.
 - 2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.
 - 3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.
 - 4. Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.
 - 5. Encourage local government financial self-sufficiency in providing public facilities.
 - 6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.
 - 7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.
 - 9. Identify and use stable revenue sources which are also responsive to growth for financing public facilities.

Section 187.201(20), F.S., Governmental Efficiency

- (a) **Goal** - Florida governments shall economically and efficiently provide the amount and quality of services required by the public.
- (b) **Policies** -
 - 2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.
 - 5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.
 - 11. Encourage government to seek outside contracting on a competitive-bid basis when cost-effective and appropriate.

2030 Comprehensive Plan
Capital Improvements Element
Policy 1.2.2

The City shall continue to explore the feasibility of alternative financing mechanisms to facilitate the availability of public facilities. This shall include a feasibility review of dedicating a portion of the ad valorem taxes specifically for capital improvements.

Future Land Use Element
Policy 1.2.7

The City shall, through joint participation agreements, among federal, State, and local governments, and the private sector, as appropriate, identify and build needed public facilities, and allocate the costs of such facilities in proportion to the benefits accruing to each.

Intergovernmental Coordination Element
Goal 1

Coordinate the planning and policy making of the City with that of the surrounding municipalities, county, regional, State, federal and special authority governments to ensure consistency in development and in the provision of services and to implement the goals, objectives and policies of the 2030 Comprehensive Plan.

Factor 3 (Section 190.005(1)(e)3, F.S.)

Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community?

Relationship: The area of land within the proposed district appears to be of sufficient size, sufficiently compact, and sufficiently contiguous to be developed as one functional interrelated community.

This factor considers whether the land area to be served by a CDD can be serviced efficiently and effectively by one entity. Considerations include the geographic location of the land, its topography, underlying natural and political boundaries, etc. and all the foregoing considerations are interrelated. For example, a CDD found to be of insufficient size where located far from the urban services area may be of ideal size for an urban redevelopment or a commercial infill project.

As shown on the maps attached as exhibits to the Petition, the land area to be serviced by the CDD is clearly compact and contiguous and can be developed as one functional interrelated community.

As to the sufficiency of its size, the Department notes there is no statutory minimum or maximum size for a CDD. Sizes of previously established CDD range from large, multi-use villages to small, single-use infill projects. Given the proposed 32.21 acres contained within the CDD, the number of residential units proposed,

the mix of non-residential uses proposed and its location within the Downtown Development Area of the City of Jacksonville, the Department makes a positive finding with respect to the sufficiency of the size and location.

Factor 5 (Section 190.005(1)(e)5, F.S.)

Whether the community development services and facilities of the CDD will be incompatible with the capacity and uses of existing local and regional community development services and facilities?

Relationship: The community development services and facilities of the District CDD will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

The limited services and facilities proposed to be facilitated by the CDD as set forth in the Petition are those which are standard and/or required for the types of residential and non-residential development proposed (i.e., amenities, water, sewer, etc.). Accordingly, the Department deems that the infrastructure improvements are not incompatible with the capacity and uses of existing local and regional community development services and facilities.

Supplemental Information

Chapter 90.07(c)(6), Ordinance Code directs the report of the Department to include any other information deemed helpful.

The remaining factors, pursuant to Section 190.005(1)(e), F.S., are not required to be considered in the Department's report. However, the Council must consider all factors when determining whether to grant the Local Petition to establish the CDD. A brief explanation and the Department's review of each remaining factor is included below:

Factor 1 (Section 190.005(1)(e)1, F.S.)

Whether all statements contained within the Local Petition have been found to be true and correct?

Relationship: The statements within the local petition to establish the District CDD appear to be true and correct.

The Petitioner has provided an executed and notarized statement claiming that the Petition is true and correct. Notwithstanding, the Council is not bound by these findings and may find the statements, attachments and documentation are incomplete and/or insufficient to permit fair debate, or are not adequately truthful and correct so as to permit informed consideration.

Factor 4 (Section 190.005(1)(e)4, F.S.)

Whether the CDD is the best alternative for delivering the community development services and facilities to the area that will be served by the CDD?

Relationship: The District CDD appears to be the best alternative for delivering the community development services and facilities to the area.

The Petitioner's executed and notarized statement claiming the Petition to Establish the CDD is true and correct is within the Petition. The petitioner claims the proposed CDD is the best alternative for delivering community development services and facilities within its area of service and the Department has no reason to find otherwise.

Factor 6 (Section 190.005(1)(e)2, F.S.)

Whether the area that will be served by the CDD is amenable to separate special-district government?

Relationship: The area that will be served by the District CDD appears to be amendable to provide a separate special-district government.

This factor considers the land area viewed in relation as to whether it will be governed efficiently by a separate special district, the CDD. The Department finds the land area is amenable to separate special district government because the development is an autonomous development contained solely on contiguous parcels.

Consent to Special Powers

The Petitioner is also requesting the City Council to grant the District CDD the special powers under Section 190.012(2), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses in accordance with Section 190.012(2)(a), Florida Statutes,
- (2) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment in accordance with Section 190.012(2)(b), Florida Statutes,
- (3) School buildings and related structures and site improvements in accordance with Section 190.012(2)(c), Florida Statutes and
- (4) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies in accordance with Section 190.012(2)(d), Florida Statutes. The District anticipates the need to contract for security services in the future.

ORDINANCE 2018-563-E

CERTIFICATE OF AUTHENTICATION

ENACTED BY THE COUNCIL

October 23, 2018

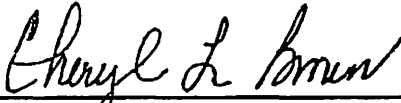


AARON BOWMAN
COUNCIL PRESIDENT

OCT 24 2018

ATTEST:

APPROVED: _____



DR. CHERYL L. BROWN
COUNCIL SECRETARY



LENNY CURRY, MAYOR

